

Introduced by Senator LiuDecember 2, 2014

An act to amend Section 27.6 of the Business and Professions Code, to amend Sections 11001, 11005, 11700, 12200, 32500, 44212, 44784, 52342, 52957, 54703, 66010.4, 66010.6, 66010.7, 66040.3, 66742, 66743, 66901, 66903, 66903.3, 66905, 66941, 67002, 67003, 67312, 67382, 68052, 69562, 69655, 69966, 74292, 81004, 81005, 89002, 89011, 89070.35, 89070.40, 89720, 92605, 94155, 99151, 99181, 99182, and 99202 of, to amend the heading of Chapter 11 (commencing with Section 66900) of Part 40 of Division 5 of Title 3 of, to repeal Sections 45351, 66902.5, 66903.1, and 87482.4 of, and to repeal and add Sections 66900 and 66903.2 of, the Education Code, to amend Section 11126 of the Government Code, to amend Section 128030 of, and to repeal Section 127785 of, the Health and Safety Code, to amend Section 24357.8 of the Revenue and Taxation Code, to amend Section 10529 of the Unemployment Insurance Code, and to amend Sections 4341.5 and 4421 of the Welfare and Institutions Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as introduced, Liu. Postsecondary education: California Commission on Higher Education Performance and Accountability.

Existing law establishes the California Postsecondary Education Commission (CPEC) as the statewide postsecondary education coordinating and planning agency, and provides for its functions and responsibilities. Existing law also provides for the composition of CPEC's membership.

This bill would change the composition of, and rename, CPEC as the California Commission on Higher Education Performance and

Accountability, and would recast and revise its various functions and responsibilities. The bill would make conforming changes to, delete obsolete provisions of, and make numerous nonsubstantive changes to, existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27.6 of the Business and Professions
2 Code is amended to read:
3 27.6. The successor agency to the Bureau for Private
4 Postsecondary and Vocational Education shall transmit any
5 available data regarding school performance, including, but not
6 limited to, attendance and graduation rates, it receives from any
7 schools under its jurisdiction to the California ~~Postsecondary~~
8 ~~Education Commission~~. *Commission on Higher Education*
9 *Performance and Accountability*.
10 SEC. 2. Section 11001 of the Education Code is amended to
11 read:
12 11001. (a) The Chancellor of the California State University
13 shall establish an advisory committee to assist in selecting
14 proposals to be funded and developing criteria for project
15 evaluation. The committee shall be composed of the following
16 members:
17 (a)
18 (1) Two certificated secondary school teachers, including at
19 least one junior high or intermediate school teacher, appointed by
20 the ~~Superintendent of Public Instruction~~. *Superintendent*.
21 (b)
22 (2) Two certificated secondary school employees with
23 responsibility for curriculum administration, appointed by the
24 ~~Superintendent of Public Instruction~~. *Superintendent*.
25 (c)
26 (3) One director of a regional consortium participating in the
27 California Student Opportunity Access Program established
28 pursuant to Chapter 113 of the Statutes of 1978, appointed by the
29 Student Aid Commission.
30 (d)

(4) Two representatives of the California Community Colleges, to be appointed by the Board of Governors of the California Community Colleges, at least one of whom shall be a faculty member.

(e)

(5) Two representatives of the California State University, to be appointed by the Chancellor of the California State University, at least one of whom shall be a faculty member.

(f)

(6) Two representatives of the University of California, appointed by the President of the University of California, at least one of whom shall be a faculty member.

(g)

(7) One representative, appointed by the Director of the California ~~Postsecondary Education Commission~~. *Commission on Higher Education Performance and Accountability*.

~~Faculty~~

(b) *Faculty* appointments to the advisory committee shall be made by the appropriate appointing authority through consultation with the faculty senate.

SEC. 3. Section 11005 of the Education Code is amended to read:

11005. Based upon evaluations conducted pursuant to former Section 11004, the California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* may identify projects that are ineffective or not cost-effective for termination. Funds made available as a result of that termination shall be reallocated for the awarding of new grants pursuant to Section 11003.

SEC. 4. Section 11700 of the Education Code is amended to read:

11700. (a) It is the intent of the Legislature that the Center for International Education Synergy be established through a joint powers agreement, entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, between the Sweetwater Union High School District, the Southwestern Community College District, and San Diego State University. It is the intent of the Legislature that a joint powers agency created pursuant to the joint powers agreement own and

1 maintain the land and facilities for the Center for International
2 Education Synergy at the Otay Mesa Off-Campus Center.

3 (b) In addition to funding appropriated by the Legislature for
4 purposes of the Center for International Education Synergy, entities
5 participating in the establishment and operation of the center are
6 encouraged to seek supplemental funding, including, but not limited
7 to, funding from foundations, corporations, and other public
8 entities.

9 (c) Any postsecondary education facilities and programs
10 developed pursuant to this section shall be subject to the
11 requirements of Section 66903 as they apply to the governing
12 boards of public postsecondary educational ~~institutes~~ *institutions*.

13 (d) The Center for International Education Synergy shall be
14 established only upon approval by the California ~~Postsecondary~~
15 ~~Education Commission~~ *Commission on Higher Education*
16 *Performance and Accountability* based on a needs study and
17 subsequent approval from the Department of Finance.

18 SEC. 5. Section 12200 of the Education Code is amended to
19 read:

20 12200. (a) ~~The State Board of Education~~ *state board* is vested
21 with all necessary power and authority to perform all acts necessary
22 to authorize governing boards of districts maintaining community
23 colleges to receive the benefits and to expend the funds provided
24 by any acts of Congress under which districts maintaining
25 community colleges may be eligible to receive benefits, including,
26 but not limited to, Title VII of the *National* Housing Act of 1961
27 (Public Law 87-70), as amended, and any of the acts of Congress
28 referred to in this chapter. The *state* board is vested with all
29 necessary power and authority to authorize districts maintaining
30 community colleges to cooperate with the government of the
31 United States, or any agency or agencies thereof, for the purpose
32 of receiving the benefits and expending the funds provided by ~~said~~
33 ~~those~~ *those* acts of Congress, or any rules or regulations adopted
34 ~~thereunder~~, *under those acts*, or any state plan or rules or
35 regulations of the California ~~Postsecondary Education Commission~~
36 *Commission on Higher Education Performance and Accountability*
37 adopted in accordance with any of ~~said those~~ *those* acts of Congress
38 under which the California ~~Postsecondary Education Commission~~
39 *Commission on Higher Education Performance and Accountability*
40 is designated in this chapter as the state educational agency.

1 Whenever necessary to secure the full benefits of ~~said~~ *those* acts
2 of Congress, the governing board may give such security as may
3 be required and may comply with such conditions as may be
4 imposed by the federal government. The funds received by the
5 district under the provisions of ~~said~~ *those* acts of Congress shall
6 be deposited in the county ~~treasury~~ *treasury*, as provided for in
7 Section 84001.

8 ~~This~~

9 ~~(b) This section shall be~~ is applicable to only those acts of
10 Congress ~~which that~~ have been enacted ~~prior to~~ *before* January 1,
11 1967.

12 SEC. 6. Section 32500 of the Education Code is amended to
13 read:

14 32500. (a) In order to encourage greater involvement of
15 educational institutions in planning and developing prison-based
16 educational programs, the ~~Director~~ *Secretary of the Department*
17 *of Corrections and Rehabilitation*, the Chancellor of the California
18 ~~State University and Colleges, University~~, the Chancellor of the
19 California Community Colleges, and the ~~Superintendent of Public~~
20 ~~Instruction, Superintendent~~, with the advice of the California
21 ~~Postsecondary Education Commission, Commission on Higher~~
22 *Education Performance and Accountability*, shall enter into
23 interagency agreements. ~~Such~~ *These* agreements shall provide for,
24 but not be limited to, all of the following:

25 (1) A determination of the roles of the Department of
26 *Corrections and Rehabilitation*, the office of the Chancellor of the
27 California ~~State University and Colleges, University~~ the office of
28 the Chancellor of the California Community Colleges, and the
29 *State Department of Education*, in developing policy for
30 prison-based educational programs.

31 (2) Joint policy and program planning.

32 (b) The ~~Director~~ *Secretary of the Department of Corrections*
33 *and Rehabilitation*, the Chancellor of the California State
34 ~~University and Colleges, University~~, the Chancellor of the
35 California Community Colleges, and the ~~Superintendent of Public~~
36 ~~Instruction~~ shall appoint an advisory committee to do, but not be
37 limited to doing, all of the following:

38 (1) Making recommendations on the use of instructional
39 television in these programs.

1 (2) Reviewing and making recommendations relating to any
2 proposed budgets for these programs.

3 (3) Reviewing and making recommendations relating to the
4 implementation of the interagency agreement.

5 (c) Notwithstanding the other provisions of this section, the
6 ~~Director~~ *Secretary of the Department of Corrections and*
7 *Rehabilitation* shall administer all prison-based education
8 programs.

9 SEC. 7. Section 44212 of the Education Code, as amended by
10 Section 37 of Chapter 71 of the Statutes of 2014, is amended to
11 read:

12 44212. (a) ~~(1) The Regents of the University of California,~~
13 ~~the Trustees of the California State University, the California~~
14 ~~Postsecondary Education Commission, Commission on Higher~~
15 ~~Education Performance and Accountability, and the Association~~
16 ~~of Independent California Colleges and Universities shall each~~
17 ~~appoint a representative to serve as member ex officio without~~
18 ~~vote in proceedings of the commission.~~

19 ~~(2) The Board of Governors of the California Community~~
20 ~~Colleges may appoint an alternate representative to serve as an ex~~
21 ~~officio member in the absence of the California Postsecondary~~
22 ~~Education Commission's representative.~~

23 (b) The ex officio members shall not vote in the proceedings of
24 the commission or in any of its committees or subcommittees,
25 except, by a majority vote of the commission, ex officio members
26 may be permitted to vote in committees or subcommittees in order
27 to establish a quorum or as otherwise determined by majority vote
28 of the commission.

29 SEC. 8. Section 44784 of the Education Code is amended to
30 read:

31 44784. (a) The institution selected under Section 44782 shall
32 be assisted by an advisory committee, the function of which shall
33 be:

34 (1) To review and comment on plans for the establishment of
35 the resource centers.

36 (2) To assist in determining criteria for local and private funding
37 matches to be required for the operation of each resource center.

38 (3) To advise the project on the selection of proposals for
39 funding.

(b) The advisory committee shall ~~contain~~ *be composed of* the following members:

(1) Ten members appointed by representatives of higher education, two each to be selected by the President of the University of California, the Chancellor of the California State University, the Chancellor of the California Community Colleges, the Association of Independent California Colleges and Universities, and the California ~~Postsecondary Education Commission~~. *Commission on Higher Education Performance and Accountability*. At least one of the appointees of each of these appointing entities shall be an elementary or secondary school classroom teacher with classroom experience in international studies instruction.

(2) Four public members with special interest or competence in international affairs, representing business, community, and subject area educational organizations, one each to be selected by the ~~Superintendent of Public Instruction~~, *Superintendent*, the Governor, the Speaker of the Assembly, and the Senate Committee on Rules.

(3) Three certificated school teachers, or other educators, with classroom experience in international studies instruction, to be designated by the institution selected to operate the project.

SEC. 9. Section 45351 of the Education Code is repealed.

~~45351. (a) No later than June 30, 1990, the Office of the Chancellor of the California Community Colleges shall issue requests for proposal from community college districts for the establishment of an Associate of Arts, Teacher Assistant program. The requests for proposal shall describe the requirements set forth in subdivision (c), and shall be developed in consultation with representatives of the Superintendent of Public Instruction, the President of the University of California, the Chancellor of the California State University, the Chancellor of the California Community Colleges, the Executive Director of the California Postsecondary Education Commission, the Commission on Teacher Credentialing, the statewide Academic Senate for Community Colleges, and the President of the Association of Independent Colleges and Universities. That program shall include, but not necessarily be limited to, the two-year course of study described in Section 45350 and the awarding of an Associate of Arts, Teacher Assistant degree.~~

1 ~~(b) The chancellor shall select two community college districts~~
2 ~~from separate geographic areas of this state for the purposes of~~
3 ~~this section, and shall allocate to each of those districts for the~~
4 ~~1990–91 school year a planning grant of not less than twenty-five~~
5 ~~thousand dollars (\$25,000).~~

6 ~~(c) Each of the community college districts selected and funded~~
7 ~~under this section shall do all of the following:~~

8 ~~(1) Implement the Associate of Arts, Teacher Assistant program~~
9 ~~in one or more community colleges, commencing with the 1991–92~~
10 ~~school year.~~

11 ~~(2) Ensure that each student enrolled in the program shall work~~
12 ~~under the direct supervision of a credentialed classroom teacher.~~

13 ~~(3) Design the program to ensure that credit hours earned under~~
14 ~~the program at any community college are transferable to teacher~~
15 ~~preparation programs conducted at California State University~~
16 ~~campuses in the same region as that community college.~~

17 ~~(4) No later than October 1, 1993, collect, and make available~~
18 ~~to the California Postsecondary Education Commission for~~
19 ~~purposes of the evaluation described in Section 45355, the~~
20 ~~following data for the 1991–92 and 1992–93 school years:~~

21 ~~(A) The number of persons who enrolled in the program, and~~
22 ~~the number of persons who completed the program.~~

23 ~~(B) Demographic information concerning those persons.~~

24 ~~(C) The number and percentage of graduates of the program~~
25 ~~who pass the examination described in subdivision (c) of Section~~
26 ~~45350.~~

27 ~~(D) The number and percentage of graduates of the program~~
28 ~~who have obtained employment as teacher assistants, as reported~~
29 ~~pursuant to Section 45353.~~

30 SEC. 10. Section 52342 of the Education Code is amended to
31 read:

32 52342. In the implementation of this article, the State
33 Department of Education shall, on a regular basis, advise and
34 consult with representatives of the Employment Development
35 Department, the Board of Governors of the California Community
36 Colleges, the California ~~Postsecondary Education Commission,~~
37 ~~Commission on Higher Education Performance and Accountability,~~
38 the University of California, the Chancellor of the California State
39 University, the Commission on Teacher Credentialing, the
40 Department of Industrial Relations, the Department of Consumer

Affairs, the California Advisory Council on Career Technical Education and Technical Training, and the State Personnel Board.
SEC. 11. Section 52957 of the Education Code is amended to read:

52957. The advisory committee shall include:

(a) One representative selected by the California ~~Postsecondary Education Commission~~. *Commission on Higher Education Performance and Accountability.*

(b) Two representatives selected by the President of the University of California, one of whom has the responsibility for teaching science.

(c) Two representatives selected by the Chancellor of the California State University, one of whom has the responsibility for teaching science.

(d) Two representatives selected by the Chancellor of the California Community Colleges, one of whom has the responsibility for teaching science.

(e) Four public school classroom teachers of science, and one additional representative, selected by the ~~Superintendent of Public Instruction~~. *Superintendent.*

(f) One teacher of science plus a representative selected by the Association of Independent California Colleges and Universities.

(g) One representative of business and industry selected by the Industry Education Council of California.

(h) One representative of California labor, selected by the California branch of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

(i) One representative of the National Science Supervisors Association.

(j) One representative of a national laboratory, selected by the Regents of the University of California.

SEC. 12. Section 54703 of the Education Code is amended to read:

54703. The ~~Superintendent of Public Instruction~~ shall prepare rules and regulations necessary to implement the provisions of this article, including rules and regulations ~~which~~ *that*:

(a) Prescribe the procedure by which a district shall identify pupils who are traditionally underrepresented in higher education.

(b) Provide for the rendering of technical assistance ~~which~~ *that*, upon request, shall be available to enable school districts and

1 schools to design, implement, or evaluate the University and
2 College Opportunities Programs authorized by this article.

3 (c) Identify effective practices regarding, but not necessarily
4 limited to, ~~University and College Opportunities Programs and~~
5 ~~which college and university opportunities programs, and~~
6 disseminate information regarding these programs to each
7 participating school district and county superintendent of schools.

8 (d) Develop, in conjunction with the California ~~Postsecondary~~
9 ~~Education Commission, Commission on Higher Education~~
10 ~~Performance and Accountability~~, common data elements, ~~which~~
11 ~~elements that~~ can be used by secondary and postsecondary
12 educators to assess and improve program performance.

13 SEC. 13. Section 66010.4 of the Education Code is amended
14 to read:

15 66010.4. The missions and functions of California's public
16 and independent segments, and their respective institutions of
17 higher education shall be differentiated as follows:

18 (a) (1) The California Community Colleges shall, as a primary
19 mission, offer academic and vocational instruction at the lower
20 division level for both younger and older students, including those
21 persons returning to school. Public community colleges shall offer
22 instruction through but not beyond the second year of college.
23 These institutions may grant the associate in arts and the associate
24 in science degree.

25 (2) In addition to the primary mission of academic and
26 vocational instruction, the community colleges shall offer
27 instruction and courses to achieve all of the following:

28 (A) The provision of remedial instruction for those in need of
29 it and, in conjunction with the school districts, instruction in
30 English as a second language, adult noncredit instruction, and
31 support services—~~which that~~ help students succeed at the
32 postsecondary level are reaffirmed and supported as essential and
33 important functions of the community colleges.

34 (B) The provision of adult noncredit education curricula in areas
35 defined as being in the state's interest is an essential and important
36 function of the community colleges.

37 (C) The provision of community services courses and programs
38 is an authorized function of the community colleges so long as
39 their provision is compatible with an institution's ability to meet
40 its obligations in its primary missions.

1 (3) A primary mission of the California Community Colleges
2 is to advance California's economic growth and global
3 competitiveness through education, training, and services that
4 contribute to continuous work force improvement.

5 (4) The community colleges may ~~conduct~~ *conduct*, to the extent
6 that state funding is provided, institutional research concerning
7 student learning and retention as is needed to facilitate their
8 educational missions.

9 (b) The California State University shall offer undergraduate
10 and graduate instruction through the master's degree in the liberal
11 arts and sciences and professional education, including teacher
12 education. Presently established two-year programs in agriculture
13 are authorized, but other two-year programs shall be permitted
14 only when mutually agreed upon by the Trustees of the California
15 State University and the Board of Governors of the California
16 Community Colleges. The doctoral degree may be awarded jointly
17 with the University of California, as provided in subdivision (c)
18 and pursuant to Section 66904. The doctoral degree may also be
19 awarded jointly with one or more independent institutions of higher
20 education, provided that the proposed doctoral program is approved
21 by the California ~~Postsecondary Education Commission~~.
22 *Commission on Higher Education Performance and Accountability*.
23 Research, scholarship, and creative activity in support of its
24 undergraduate and graduate instructional mission is authorized in
25 the California State University and shall be supported by the state.
26 The primary mission of the California State University is
27 undergraduate and graduate instruction through the master's degree.

28 (c) The University of California may provide undergraduate
29 and graduate instruction in the liberal arts and sciences and in the
30 professions, including the teaching professions. It shall have
31 exclusive jurisdiction in public higher education over instruction
32 in the profession of law and over graduate instruction in the
33 professions of medicine, dentistry, and veterinary medicine. It has
34 the sole authority in public higher education to award the doctoral
35 degree in all fields of learning, except that it may agree with the
36 California State University to award joint doctoral degrees in
37 selected fields. The University of California shall be the primary
38 state-supported academic agency for research.

(d) The independent institutions of higher education shall provide undergraduate and graduate instruction and research in accordance with their respective missions.

SEC. 14. Section 66010.6 of the Education Code is amended to read:

66010.6. (a) The missions of agencies charged with coordination, administration, or implementation of higher education policies and programs in California shall be as follows:

(1) The ~~California Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* is the statewide postsecondary education coordinating and planning agency. The commission shall serve as a principal fiscal and program advisor to the Governor and the Legislature on postsecondary educational policy. Consistent with Section 66903, the commission's responsibilities shall include, but not be limited to, *all of* the following:

(A) Analysis and recommendations related to long-range planning for public postsecondary education.

(B) Analysis of state policy and programs involving the independent and private postsecondary educational sectors.

(C) Analysis and recommendations related to program and policy review.

(D) Resource analysis.

(E) Maintenance and publication of pertinent public information relating to all aspects of postsecondary education.

~~The commission~~
(2) *The California Commission on Higher Education Performance and Accountability* shall consult with the postsecondary educational segments and with relevant state agencies, including the Student Aid Commission, the ~~Superintendent of Public Instruction~~, *Superintendent* and other relevant parties, in its preparation of analyses and recommendations to the Governor and the Legislature. However, the commission shall remain an independent and nonpartisan body responsible for

1 providing an integrated and segmentally unbiased view for
2 purposes of state policy formulation and evaluation.

3 (b) ~~The California~~ (1) The Student Aid Commission is the
4 primary state agency for the administration of state-authorized
5 student financial aid programs available to students attending all
6 segments of postsecondary education. These programs include
7 grant, work study, and loan programs supported by the state and
8 the federal government.

9 ~~Consistent~~

10 (2) *Consistent* with this responsibility, the *Student Aid*
11 Commission shall provide, in consultation with the postsecondary
12 education segments and relevant state agencies, policy leadership
13 on student financial aid issues, evaluate the effectiveness of its
14 programs, conduct research and long-range planning as a
15 foundation for program improvement, report on total state financial
16 aid needs, and disseminate information to students and their
17 families.

18 (c) The Council for Private Postsecondary and Vocational
19 Education is the primary state agency responsible for approving
20 and regulating private postsecondary and vocational educational
21 institutions and for developing state policies for private
22 postsecondary and vocational education in California. The council
23 shall represent the private postsecondary and vocational education
24 institutions in all state level planning and policy discussions about
25 postsecondary and vocational education.

26 SEC. 15. Section 66010.7 of the Education Code is amended
27 to read:

28 66010.7. (a) The Legislature, through the enactment of this
29 section, expresses its commitment to encourage and support
30 collaboration and coordination among all segments of education.

31 (b) Within the differentiation of segmental functions outlined
32 in this article, the institutions of higher education shall undertake
33 intersegmental collaboration and coordination particularly when
34 it can do any of the following:

35 (1) Enhance the achievement of the institutional missions shared
36 by the segments.

37 (2) Provide more effective planning of postsecondary education
38 on a statewide basis.

39 (3) Facilitate achievement of the goals of educational equity.

1 (4) Enable public and independent higher education to meet
2 more effectively the educational needs of a geographic region.

3 (5) Facilitate student progress from one segment to another,
4 particularly with regard to preparation of students for higher
5 education as well as the transfer from *campuses of* the California
6 Community Colleges to four-year institutions.

7 (c) The leaders responsible for public and independent
8 institutions of higher education and the Superintendent of Public
9 Instruction shall work together to promote and facilitate the
10 development of intersegmental programs and other cooperative
11 efforts aimed at improving the progress of students through the
12 educational systems and at strengthening the teaching profession
13 at all levels.

14 (d) The California ~~Postsecondary Education Commission~~ shall
15 ~~have responsibility~~ *Commission on Higher Education Performance*
16 *and Accountability* shall be responsible for reviewing and
17 evaluating the effectiveness of intersegmental activities in
18 accomplishing the established goals, and shall report its findings
19 to the Governor and Legislature biennially.

20 SEC. 16. Section 66040.3 of the Education Code is amended
21 to read:

22 66040.3. (a) Pursuant to Section 66040, and notwithstanding
23 Section 66010.4, in order to meet specific educational leadership
24 needs in the California public schools and community colleges,
25 the California State University is authorized to award the Doctor
26 of Education (Ed.D.) degree as defined in this section. The
27 authority to award degrees granted by this article is limited to the
28 discipline of education. The Doctor of Education degree offered
29 by the California State University shall be distinguished from
30 doctoral degree programs at the University of California.

31 (b) The Doctor of Education degree offered by the California
32 State University shall be focused on preparing administrative
33 leaders for California public elementary and secondary schools
34 and community colleges and on the knowledge and skills needed
35 by administrators to be effective leaders in California public
36 schools and community colleges. The Doctor of Education degree
37 offered by the California State University shall be offered through
38 partnerships through which the California public elementary and
39 secondary schools and community colleges shall participate
40 substantively in program design, candidate recruitment and

1 admissions, teaching, and program assessment and evaluation.
2 This degree shall enable professionals to earn the degree while
3 working full time.

4 (c) ~~Nothing in this article shall be construed to~~ *This article does*
5 *not* limit or preclude the California ~~Postsecondary Education~~
6 ~~Commission~~ *Commission on Higher Education Performance and*
7 *Accountability* from exercising its authority under Chapter 11
8 (commencing with Section 66900) to review, evaluate, and make
9 recommendations relating to, any and all programs established
10 under this article.

11 SEC. 17. Section 66742 of the Education Code is amended to
12 read:

13 66742. (a) The governing boards of the three public segments
14 of higher education shall present annual statistical reports on
15 transfer patterns via the California ~~Postsecondary Education~~
16 ~~Commission~~ *Commission on Higher Education Performance and*
17 *Accountability* to the Governor and Legislature. The reports shall
18 include recent statistics on student enrollments by campus,
19 segment, gender, ethnicity, and the ratio of upper division to lower
20 division, including information on both freshman and transfer
21 student access to the system. These reports should include, to the
22 extent that data are available or become available, data on
23 application, ~~admission~~ *admission*, and enrollment information for
24 all students by sex, ethnicity, and campus. For transfer students,
25 this data shall indicate the segment of origin for all students. In
26 addition, data shall be separately identified for transfer students
27 from California Community Colleges, and shall identify the subset
28 of applications ~~which~~ *that* are completed together with admission,
29 enrollment, and declared major information for that group. ~~The~~

30 (b) *The* reports shall describe the number of transfer agreements,
31 if any, whose terms and conditions were not satisfied by either the
32 California State University or the University of California, the
33 number of California Community College transfer students denied
34 either admission to the student's first choice of a particular campus
35 of the California State University or the University of California
36 or the student's first choice of a major field of study, and, among
37 those students, the number of students who, upon denial of either
38 of the student's first choices, immediately enrolled at another
39 campus of the California State University or the University of
40 California. The reports shall also include information by sex and

1 ethnicity on retention and degree completion for transfer students
2 as well as for native students, and the number and percentage of
3 baccalaureate degree recipients who transferred from a community
4 college *campus*.

5 SEC. 18. Section 66743 of the Education Code is amended to
6 read:

7 ~~66743. The California Postsecondary Education Commission~~
8 *Commission on Higher Education Performance and Accountability*
9 is requested to convene an intersegmental advisory committee on
10 transfer access and performance for the purposes of presenting
11 biennial reports to the Governor and the Legislature on the status
12 of transfer policies and programs, the diligence of each segment's
13 board, and the effectiveness of these programs in meeting the
14 state's goals for transfer. The report shall include information about
15 all of the following:

16 (a) The effectiveness of transfer agreement programs and
17 activities in enhancing the transfer function overall as well as the
18 extent to which transfer program activities have been directed at
19 students who have been historically underrepresented in the
20 University of California and the California State University.

21 (b) The status of the implementation of the transfer core
22 ~~curriculum~~ *curriculum*, as described in Section ~~66720~~ 66720, for
23 each community college, including information about the extent
24 to which sophomore level courses needed for transfer are available
25 on all community college campuses.

26 (c) Progress that has been made in achieving articulation
27 agreements in those specific majors that have lower division
28 prerequisites, and the dissemination of this information. The
29 committee shall also explore methods to systematically measure
30 the extent to which the state's goals of freshmen and transfer
31 student access are being met, including analyses of the number of
32 fully eligible freshmen or transfer students who are denied access
33 to the system, and the reasons for that denial. The committee shall
34 also address ways in which sharing of information about transfer
35 students among the segments can be improved, including early
36 identification of potential transfer students for intensive recruitment
37 purposes.

38 ~~The~~

39 (d) *The* Governor and the Legislature shall monitor the success
40 of the University of California and the California State University

in achieving their targeted enrollment levels and in implementing these reforms. A substantial failure to implement reform, to achieve the 60/40 ratio by the designated dates, or to improve the transfer rate of historically underrepresented groups significantly, shall precipitate legislative hearings to determine the reasons why any one or all of these goals have not been met.

SEC. 19. The heading of Chapter 11 (commencing with Section 66900) of Part 40 of Division 5 of Title 3 of the Education Code is amended to read:

CHAPTER 11. CALIFORNIA ~~POSTSECONDARY EDUCATION~~
COMMISSION ON *HIGHER EDUCATION PERFORMANCE AND*
ACCOUNTABILITY

SEC. 20. Section 66900 of the Education Code is repealed.

~~66900. (a) It is the intent of the Legislature that the California Postsecondary Education Commission (CPEC) be responsible for coordinating public, independent, and private postsecondary education in California and providing independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues. In this respect, the Legislature finds as follows:~~

~~(1) California, in its adoption of the 1960 Master Plan for Higher Education, established the Coordinating Council for Higher Education, the commission's predecessor as the statewide coordinating and planning board for higher education.~~

~~(2) In 1973, the Legislature's Joint Committee on Higher Education reviewed the 1960 Master Plan for Higher Education and ultimately advanced a report that included recommendations for strengthening California's higher education plan. The committee's work resulted in the disestablishment of the Coordinating Council for Higher Education and the establishment of the California Postsecondary Education Commission.~~

~~(3) Assembly Bill 770 (Chapter 1187 of the Statutes of 1973) strengthened the membership of the commission by having a majority of its members represent the general public. That bill also increased the commission's responsibilities with respect to advising the Legislature and the Governor on issues related to governance, operation, and financing of higher education in California.~~

~~(4) Since 1974, the commission has served as the state's independent planning and coordination agency for postsecondary education policy, responsible for providing analyses and recommendations to the Legislature and the Governor related to long-range planning for public postsecondary education and the state policy and programs involving independent and private postsecondary education sectors.~~

~~(5) In 1990, Senate Bill 1570 (Chapter 1587 of the Statutes of 1990) codified the commission's mission statement developed by the 1989 Joint Committee for the Review of the Master Plan for Higher Education.~~

~~(6) The commission has administered specifically designated federal programs and in July 1993, it was named the state's designated agency to administer the new federal state postsecondary review entity (SPRE).~~

~~(b) It is the intent of the Legislature that the commission maintain the essential role it plays in coordinating all sectors of postsecondary education, both public and private, given the size, scope, and complexity of California's higher education system.~~

~~(c) It is further the intent of the Legislature, as follows:~~

~~(1) That the education policy recommendations of the commission shall be a primary consideration in developing state policy and funding for postsecondary education.~~

~~(2) That the commission shall develop and maintain a data collection system capable of documenting the performance of postsecondary education institutions in meeting the post high school education and training needs of California's diverse population.~~

~~(3) That the commission, as the state's planning and coordinating agency, shall ensure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and shall promote diversity, innovation, and responsiveness to student and societal needs.~~

~~(4) That the commission shall encourage the participation of faculty members, students, administrators, and members of the general public in carrying out its duties and responsibilities.~~

SEC. 21. Section 66900 is added to the Education Code, to read:

66900. For purposes of this chapter, the following terms have the following meanings:

1 (a) “Commission” means the California Commission on Higher
2 Education Performance and Accountability, established pursuant
3 to subdivision (a) of Section 66901.

4 (b) “Director” means the Director of the California Commission
5 on Higher Education Performance and Accountability, appointed
6 by the commission pursuant to subdivision (m) of Section 66901.

7 SEC. 22. Section 66901 of the Education Code is amended to
8 read:

9 66901. (a) There is hereby ~~created the California~~
10 ~~Postsecondary Education Commission, established the California~~
11 ~~Commission on Higher Education Performance and Accountability,~~
12 which shall be advisory to the Governor, the Legislature, other
13 appropriate governmental officials, and institutions of
14 postsecondary education. The commission shall be composed of
15 ~~the following 17 members of the general public, appointed as~~
16 ~~follows:~~

17 ~~(a) One representative of the Regents of the University of~~
18 ~~California designated by the regents, one representative of the~~
19 ~~Trustees of the California State University designated by the~~
20 ~~trustees, and one representative of the Board of Governors of the~~
21 ~~California Community Colleges designated by the board.~~
22 ~~Representatives of the regents, the trustees, and the board of~~
23 ~~governors shall be chosen from among the appointed members of~~
24 ~~their respective boards, but in no instance shall an ex officio~~
25 ~~member of a governing board serve on the commission.~~

26 ~~(b) One representative of the independent California colleges~~
27 ~~and universities that are formed and operated as nonprofit~~
28 ~~corporations in this state and are accredited by a regional~~
29 ~~association that is recognized by the United States Department of~~
30 ~~Education. This member shall be appointed by the Governor from~~
31 ~~a list or lists submitted by an association or associations of those~~
32 ~~institutions.~~

33 ~~(c) The chair or the designee of the chair of the Council for~~
34 ~~Private Postsecondary and Vocational Education.~~

35 ~~(d) The President of the State Board of Education or his or her~~
36 ~~designee from among the other members of the board.~~

37 ~~(e) Nine representatives of the general public appointed as~~
38 ~~follows: three by the Governor, three by the Senate Rules~~
39 ~~Committee, and three by the Speaker of the Assembly. It is the~~
40 ~~intent of the Legislature that the commission be broadly and~~

1 equitably representative of the general public in the appointment
2 of its public members and that the appointing authorities, therefore,
3 shall confer to assure that their combined appointments include
4 adequate representation on the basis of sex and on the basis of the
5 significant racial, ethnic, and economic groups in the state.

6 ~~(f) Two student representatives, each of whom shall be enrolled~~
7 ~~at a California postsecondary education institution at the time of~~
8 ~~appointment and during the term of service, except that a student~~
9 ~~member who graduates from an institution with no more than six~~
10 ~~months of his or her term remaining shall be permitted to serve~~
11 ~~for the remainder of the term. The Governor shall appoint the~~
12 ~~student members from persons nominated by the appropriate~~
13 ~~student organizations of each of the postsecondary education~~
14 ~~segments. For each student member of the commission, the~~
15 ~~appropriate student organization may submit a list of nominees.~~
16 ~~The list shall specify not less than three and not more than five~~
17 ~~nominees. The appropriate student organization for each segment~~
18 ~~shall be a composite group of at least five representative student~~
19 ~~government associations, as determined by the commission.~~

20 ~~(g) The student member appointed to the commission shall not~~
21 ~~be enrolled in the same segment as the outgoing student member~~
22 ~~or in the same segment of the other sitting student member.~~

23 *(1) Four members shall be appointed by the Speaker of the*
24 *Assembly.*

25 *(2) Four members shall be appointed by the Senate Committee*
26 *on Rules.*

27 *(3) Nine members, including a chairperson of the commission,*
28 *shall be appointed by the Governor, subject to confirmation by*
29 *the Senate.*

30 ~~(h) No~~

31 *(b) A person who is employed by any institution of public or*
32 *private postsecondary education shall not be appointed to or serve*
33 *on the commission, except that a person who is not a permanent,*
34 *full-time employee and who has part-time teaching duties that do*
35 *not exceed six hours per week may be appointed to and serve on*
36 *the commission.*

37 *(c) Appointments to the commission shall be representative of*
38 *civic, business, and public school leaders.*

39 ~~The~~

1 ~~(d) The commission members designated in subdivisions (a);~~
2 ~~(e), and (d) shall serve at the pleasure of their respective appointing~~
3 ~~authorities. The member designated in subdivision (b) shall serve~~
4 ~~a three-year term. The members designated in subdivision (c) shall~~
5 ~~each serve a six-year term. The members designated in subdivision~~
6 ~~(f) shall each serve a two-year term. The members appointed~~
7 ~~pursuant to paragraphs (1) and (2) of subdivision (a) shall each~~
8 ~~serve a six-year term. The members appointed pursuant to~~
9 ~~paragraph (3) of subdivision (a) shall initially serve a three-year~~
10 ~~term, and shall serve a six-year term thereafter. The respective~~
11 ~~appointing authority may appoint an alternate for each member~~
12 ~~who may, during the member's absence, serve on the commission~~
13 ~~and vote on matters before the commission. When vacancies occur~~
14 ~~prior to expiration of terms, the respective appointing authority~~
15 ~~may appoint a member for the remainder of the term.~~

16 ~~Any~~

17 ~~(e) Any person appointed pursuant to this section may be~~
18 ~~reappointed to serve additional terms.~~

19 ~~All~~

20 ~~(f) All terms subsequent to the initial appointments, which~~
21 ~~became effective on January 10, 1974, appointments shall begin~~
22 ~~on January 1 of the year in which the respective terms are to start.~~

23 ~~Any~~

24 ~~(g) Any person appointed pursuant to this section who no longer~~
25 ~~has the position that made him or her eligible for appointment may~~
26 ~~nonetheless complete his or her term of office on the commission.~~

27 ~~No~~

28 ~~(h) A person appointed pursuant to this section shall not, with~~
29 ~~respect to any matter before the commission, vote for or on behalf~~
30 ~~of, or in any way exercise the vote of, any other member of the~~
31 ~~commission.~~

32 ~~The~~

33 ~~(i) The commission shall meet as often as it deems necessary~~
34 ~~to carry out its duties and responsibilities.~~

35 ~~Any~~

36 ~~(j) Any member of the commission who in any calendar year~~
37 ~~misses more than one-third of the meetings of the full commission~~
38 ~~forfeits his or her office, thereby creating a vacancy.~~

1 ~~The commission shall select a chair from among the members~~
2 ~~representing the general public. The chair shall hold office for a~~
3 ~~term of one year and may be selected to successive terms.~~

4 ~~There~~

5 ~~(k) There~~ is established an advisory committee to the
6 commission and the director, consisting of the chief executive
7 officers of each of the public segments, or their designees, the
8 ~~Superintendent of Public Instruction~~ or his or her designee, ~~and~~
9 ~~an one student representative who shall be enrolled at a California~~
10 ~~postsecondary educational institution at the time of appointment~~
11 ~~and during the term of service, one executive officer from each of~~
12 ~~the groups of institutions designated in subdivisions (b) and (c)~~
13 ~~among the independent California colleges and universities that~~
14 ~~are formed and operated as nonprofit corporations in this state~~
15 ~~and are accredited by a regional association that is recognized~~
16 ~~by the United States Department of Education, and one executive~~
17 ~~officer of the Council for Private Postsecondary and Vocational~~
18 ~~Education to be designated by the respective commission~~
19 ~~representative from these groups.~~ *commission. Commission*
20 *meeting agenda items and associated documents shall be provided*
21 *to the committee in a timely manner for its consideration and*
22 *comments.*

23 ~~The~~

24 ~~(l) The~~ commission may appoint any subcommittees or advisory
25 committees it deems necessary to advise the commission on matters
26 of educational policy. The advisory committees may consist of
27 commission members or nonmembers, or both, including students,
28 faculty members, segmental representatives, governmental
29 representatives, and representatives of the public.

30 ~~The~~

31 ~~(m) The commission shall appoint and may remove a director~~
32 ~~in the manner hereafter specified: a director, subject to~~
33 ~~confirmation by the Senate.~~ The director shall appoint persons to
34 any staff positions the commission may authorize.

35 ~~The~~

36 ~~(n) The~~ commission shall prescribe rules for the transaction of
37 its own affairs, ~~subject, however, subject~~ to all the following
38 requirements and limitations:

39 (1) The votes of all representatives shall be recorded.

1 (2) Effective action shall require the affirmative vote of a
2 majority of all the duly appointed members of the commission,
3 not including vacant commission seats.

4 (3) The affirmative votes of two-thirds of all the duly appointed
5 members of the commission, not including vacant commission
6 seats, shall be necessary to the appointment of the director.

7 SEC. 23. Section 66902.5 of the Education Code is repealed.

8 ~~66902.5. Unless otherwise specified, reports submitted to the~~
9 ~~Legislature by the California Postsecondary Education Commission~~
10 ~~shall be delivered to the Senate and Assembly budget~~
11 ~~subcommittees on education, the Senate education and Assembly~~
12 ~~higher education policy committees, the Legislative Analyst's~~
13 ~~Office, the Office of the Governor, and the Department of Finance.~~
14 ~~Unless otherwise specified, these reports may be submitted in PDF~~
15 ~~format or comparable electronic format.~~

16 SEC. 24. Section 66903 of the Education Code is amended to
17 read:

18 66903. The commission has the following functions and
19 responsibilities in its capacity as the statewide postsecondary
20 education planning and coordinating agency and adviser to the
21 Legislature and the Governor:

22 ~~(a) It shall require the governing boards of the segments of~~
23 ~~public postsecondary education to develop and submit to the~~
24 ~~commission institutional and systemwide long-range plans in a~~
25 ~~form determined by the commission after consultation with the~~
26 ~~segments.~~

27 ~~(b) It shall prepare a state plan for postsecondary education that~~
28 ~~shall integrate the planning efforts of the public segments with~~
29 ~~other pertinent plans. The commission shall seek to resolve~~
30 ~~conflicts or inconsistencies among segmental plans in consultation~~
31 ~~with the segments. If these consultations are unsuccessful, the~~
32 ~~commission shall report the unresolved issues to the Legislature~~
33 ~~with recommendations for resolution. In developing the plan, the~~
34 ~~commission shall consider at least the following factors:~~

35 ~~(1) The need for, and location of, new facilities.~~

36 ~~(2) The range and kinds of programs appropriate to each~~
37 ~~institution or system.~~

38 ~~(3) The budgetary priorities of the institutions and systems of~~
39 ~~postsecondary education.~~

1 ~~(4) The impact of various types and levels of student charges~~
2 ~~on students and on postsecondary education programs and~~
3 ~~institutions.~~

4 ~~(5) The appropriate levels of state-funded student financial aid.~~

5 ~~(6) The access and admission of students to postsecondary~~
6 ~~education.~~

7 ~~(7) The educational programs and resources of independent and~~
8 ~~private postsecondary institutions.~~

9 ~~(8) The provisions of this division differentiating the functions~~
10 ~~of the public systems of higher education.~~

11 ~~(e) It shall update the plan periodically, as appropriate.~~

12 ~~(d) It shall participate in appropriate stages of the executive and~~
13 ~~the legislative budget processes as requested by the executive and~~
14 ~~the legislative branches, and shall advise the executive and the~~
15 ~~legislative branches as to whether segmental programmatic~~
16 ~~budgetary requests are compatible with the state plan. It is not~~
17 ~~intended that the commission hold independent budget hearings.~~

18 ~~(a) It shall articulate and monitor state performance objectives~~
19 ~~for higher education.~~

20 ~~(e)~~

21 ~~(b) It shall advise the Legislature and the Governor regarding~~
22 ~~the need for, and location of, new institutions and campuses of~~
23 ~~public higher education.~~

24 ~~(f)~~

25 ~~(c) It shall review proposals by the public segments for new~~
26 ~~programs, the priorities that guide them, and the degree of~~
27 ~~coordination with nearby public, independent, and private~~
28 ~~postsecondary educational institutions, and shall make~~
29 ~~recommendations regarding those proposals to the Legislature and~~
30 ~~the Governor.~~

31 ~~(g) In consultation with the public segments, it shall establish~~
32 ~~a schedule for segmental review of selected educational programs,~~
33 ~~evaluate the program approval, review, and disestablishment~~
34 ~~processes of the segments, and report its findings and~~
35 ~~recommendations to the Legislature and the Governor.~~

36 ~~(h) It shall serve as a stimulus to the segments and institutions~~
37 ~~of postsecondary education by projecting and identifying societal~~
38 ~~and educational needs and encouraging adaptability to change.~~

39 ~~(i) It shall periodically collect or conduct, or both collect and~~
40 ~~conduct, studies of projected manpower supply and demand, in~~

1 ~~cooperation with appropriate state agencies, and disseminate the~~
2 ~~results of those studies to institutions of postsecondary education~~
3 ~~and to the public in order to improve the information base upon~~
4 ~~which student choices are made.~~

5 ~~(j) It shall periodically review and make recommendations~~
6 ~~concerning the need for, and availability of, postsecondary~~
7 ~~programs for adult and continuing education.~~

8 ~~(k) It shall develop criteria for evaluating the effectiveness of~~
9 ~~all aspects of postsecondary education.~~

10 ~~(l) It shall maintain and update annually an inventory of all~~
11 ~~off-campus programs and facilities for education, research, and~~
12 ~~community services operated by public and independent institutions~~
13 ~~of postsecondary education.~~

14 ~~(m)~~

15 (d) (1) It shall act as a clearinghouse for postsecondary
16 education information and as a primary source of information for
17 the Legislature, the Governor, and other agencies. It shall develop
18 and maintain a comprehensive ~~data base~~ *database* that does all of
19 the following:

20 (A) Ensures comparability of data from diverse sources.

21 (B) Supports longitudinal studies of individual students as they
22 progress through the state's postsecondary educational institutions,
23 based upon the commission's existing student ~~data base~~ *database*
24 through the use of a unique student identifier.

25 (C) Is compatible with the California School Information System
26 and the student information systems developed and maintained by
27 the public segments of higher education, as appropriate.

28 (D) Provides Internet access to data, as appropriate, to the sectors
29 of higher education.

30 (E) Provides each of the educational segments access to the data
31 made available to the commission for ~~the purposes of the data~~
32 ~~base, database~~, in order to support, most efficiently and effectively,
33 statewide, segmental, and individual campus educational research
34 information needs.

35 (2) The commission, in implementing paragraph (1), shall
36 comply with the federal Family Educational Rights and Privacy
37 Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of
38 personally identifiable information concerning students.

39 (3) The commission may not make available any personally
40 identifiable information received from a postsecondary educational

1 institution concerning students for any regulatory purpose unless
2 the institution has authorized the commission to provide that
3 information on behalf of the institution.

4 (4) The commission shall provide 30-day notification to the
5 chairpersons of the appropriate legislative policy and budget
6 committees of the Legislature, to the Director of Finance, and to
7 the Governor ~~prior to~~ *before* making any significant changes to
8 the student information contained in the ~~data base~~ *database*.

9 ~~(n) It shall establish criteria for state support of new and existing~~
10 ~~programs, in consultation with the public segments, the Department~~
11 ~~of Finance, and the Joint Legislative Budget Committee.~~

12 ~~(o) It shall comply with the appropriate provisions of the federal~~
13 ~~Education Amendments of 1972 (P.L. 92-318), as specified in~~
14 ~~Section 67000.~~

15 ~~(p) It shall consider the relationship among academic education~~
16 ~~and vocational education and job training programs, and shall~~
17 ~~actively consult with representatives of public and private~~
18 ~~education.~~

19 ~~(q)~~

20 ~~(e) It shall review all proposals for changes in eligibility pools~~
21 ~~for admission to public institutions and segments of postsecondary~~
22 ~~education *education*, and shall make recommendations to the~~
23 ~~Legislature, the Governor, and institutions of postsecondary~~
24 ~~education. In carrying out this subdivision, the commission~~
25 ~~periodically shall conduct a study of the percentages of California~~
26 ~~public high school graduates estimated to be eligible for admission~~
27 ~~to the University of California and the California State University.~~
28 ~~The changes made to this subdivision during the 2001-02 Regular~~
29 ~~Session of the Legislature shall be implemented only during those~~
30 ~~fiscal years for which funding is provided for the purposes of those~~
31 ~~provisions in the annual Budget Act or in another measure.~~

32 ~~(r) It shall report periodically to the Legislature and the Governor~~
33 ~~regarding the financial conditions of independent institutions, their~~
34 ~~enrollment and application figures, the number of student spaces~~
35 ~~available, and the respective cost of utilizing those spaces as~~
36 ~~compared to providing additional public spaces. The reports shall~~
37 ~~include recommendations concerning state policies and programs~~
38 ~~having a significant impact on independent institutions.~~

39 ~~(s) Upon request of the Legislature or the Governor, it shall~~
40 ~~submit to the Legislature and the Governor a report on all matters~~

1 ~~so requested that are compatible with its role as the statewide~~
2 ~~postsecondary education planning and coordinating agency. Upon~~
3 ~~request of individual Members of the Legislature or personnel in~~
4 ~~the executive branch, the commission shall submit information or~~
5 ~~a report on any matter to the extent that sufficient resources are~~
6 ~~available. From time to time, it also may submit to the Legislature~~
7 ~~and the Governor a report that contains recommendations as to~~
8 ~~necessary or desirable changes, if any, in the functions, policies,~~
9 ~~and programs of the several segments of public, independent, and~~
10 ~~private postsecondary education.~~

11 (t) ~~In consultation with the public segments, it shall consider~~
12 ~~the development of facilities to be used by more than one segment~~
13 ~~of public higher education, commonly called “joint-use facilities.”~~
14 ~~It shall recommend to the Legislature criteria and processes for~~
15 ~~different segments to utilize bond funds for these intersegmental,~~
16 ~~joint-use facilities.~~

17 (u) ~~It may undertake other functions and responsibilities that~~
18 ~~are compatible with its role as the statewide postsecondary~~
19 ~~education planning and coordinating agency.~~

20 (f) *It shall increase educational achievement in postsecondary*
21 *educational institutions, close educational achievement gaps, and*
22 *prepare citizens for the workforce.*

23 (g) *It shall, through its use of information and its analytic*
24 *capacity, inform the identification and periodic revision of state*
25 *goals and priorities for higher education. It shall, biennially,*
26 *interpret and evaluate both statewide and institutional performance*
27 *in relation to these goals and priorities.*

28 (h) *It shall submit reports to the Legislature in compliance with*
29 *Section 9795 of the Government Code.*

30 (i) *It shall manage data systems and maintain programmatic,*
31 *policy, and fiscal expertise to receive and aggregate information*
32 *reported by the institutions of higher education in this state.*

33 (j) *It shall perform all other duties assigned by the Legislature.*

34 SEC. 25. Section 66903.1 of the Education Code is repealed.

35 66903.1. ~~To the extent that the functions and tasks assigned to~~
36 ~~the California Postsecondary Education Commission by state law~~
37 ~~cannot all be performed with the funding provided in the annual~~
38 ~~Budget Act, it is the intent of the Legislature that the commission~~
39 ~~prioritize its workload to ensure, at a minimum, that the following~~
40 ~~responsibilities are completed in a timely manner:~~

1 ~~(a) All reviews and recommendations of the need for new~~
2 ~~institutions for the public higher education segments, inclusive of~~
3 ~~community colleges, pursuant to subdivision (e) of Section 66903.~~

4 ~~(b) All reviews and recommendations of the need for new~~
5 ~~programs for the public higher education segments, inclusive of~~
6 ~~community colleges, pursuant to subdivision (f) of Section 66903.~~

7 ~~(c) Consistent with the role of the commission pursuant to~~
8 ~~Section 67002, serve as the designated state educational agency~~
9 ~~to carry out federal education programs, pursuant to subdivision~~
10 ~~(g) of Section 66903.~~

11 ~~(d) All data management responsibilities pursuant to subdivision~~
12 ~~(m) of Section 66903 and data reporting pursuant to the adoption~~
13 ~~of legislation that establishes a higher education accountability~~
14 ~~framework.~~

15 SEC. 26. Section 66903.2 of the Education Code is repealed.

16 ~~66903.2. The Office of Statewide Health Planning and~~
17 ~~Development shall consult with the commission in the development~~
18 ~~by the office of its Health Manpower Plan and recommendations~~
19 ~~for meeting the needs in California for health science personnel.~~
20 ~~This consultation shall focus on whether health science education~~
21 ~~enrollment levels are adequate to meet the state's health manpower~~
22 ~~needs by category and specialty within each category.~~

23 SEC. 27. Section 66903.2 is added to the Education Code, to
24 read:

25 66903.2. On or before December 31 of each year, the
26 commission shall report to the Legislature and the Governor
27 regarding its progress in achieving the objectives and
28 responsibilities set forth in subdivision (a) of Section 66903.

29 SEC. 28. Section 66903.3 of the Education Code is amended
30 to read:

31 66903.3. The commission may delegate to the ~~executive~~
32 ~~director~~ any power, duty, purpose, function, or jurisdiction that
33 the commission may lawfully delegate, including the authority to
34 enter into and sign contracts on behalf of the commission. The
35 ~~executive~~ director may redelegate any of those powers, duties,
36 purposes, functions, or jurisdictions to his or her designee, unless
37 by statute, or rule or regulation, the ~~executive~~ director is expressly
38 required to act personally.

39 SEC. 29. Section 66905 of the Education Code is amended to
40 read:

1 66905. It is the intent of the Legislature that the ~~California~~
2 ~~Postsecondary Education Commission~~ *commission* annually review
3 and fix the salary of its director according to a methodology
4 established by the commission. This methodology shall take into
5 consideration the salary of directors of coordinating boards for
6 higher education in states with postsecondary education systems
7 comparable to California's in size, complexity, and level of state
8 expenditures. The comparison states shall include seven major
9 industrial states, including Illinois, New Jersey, New York, Ohio,
10 and Texas. The commission shall notify the Chairperson of the
11 Joint Legislative Budget Committee of this annual salary amount.
12 Notwithstanding ~~the provisions of~~ Section 19825 of the
13 Government Code, the salary shall become effective no sooner
14 than 30 days after written notice of the salary is provided to the
15 chairperson of the committee, or no sooner than a lesser time as
16 the chairperson, or his or her designee, may determine.

17 SEC. 30. Section 66941 of the Education Code is amended to
18 read:

19 66941. (a) The Legislature finds and declares that access to a
20 high quality education is the primary goal for the use of educational
21 technology in higher education. All students in California's public
22 schools and colleges and all adults in the state shall have access
23 to educational opportunities for which they are qualified, regardless
24 of their income level, geographic location, or the size of the school
25 they attend.

26 (b) Pursuant to its statutory planning and coordination functions
27 and responsibilities identified in Section ~~66900, the California~~
28 ~~Postsecondary Education Commission~~ 66903, *the California*
29 *Commission on Higher Education Performance and Accountability*
30 shall convene an intersegmental working group to determine state
31 funding priorities consistent with the institutional missions of the
32 systems of higher education.

33 (c) The intersegmental working group shall observe all of the
34 following principles to guide the development of priorities and the
35 proposed expenditure of state revenues on technology infrastructure
36 and applications:

37 (1) Development of a statewide infrastructure that provides
38 compatible connectivity between all levels of education to reduce
39 redundancy and increase efficiency.

(2) Adherence to nationally and internally accepted protocols and standards.

(3) Assurance that the standards for course and program quality applied to distance education are rigorous in meeting accreditation standards, Universal Design Standards, and standards currently applied to traditional classroom instruction at higher educational institutions in the areas of course content, student achievement levels, and coherence of the curriculum.

(4) Collaboration between the private sector and educational institutions in the availability and use of technology in high-priority schools and underserved areas.

(5) Collaboration across departments, institutions, states, and countries in the use of technology.

(6) Use of technology to contain costs, improve student outcomes, and enhance quality in instructional and noninstructional functions, such as student services, libraries, and administrative support.

(d) The intersegmental working group shall be composed of representatives from ~~public~~, *public* elementary and secondary education, the California State University, the California Community Colleges, the University of California, independent accredited universities and colleges, state approved schools and colleges, private sector providers of distance education, the Office of the Secretary of Education, and the private sector.

(e) The commission shall facilitate the development of statewide funding priorities for technology in higher education, and shall ~~forward the recommendations of the working group to the Legislature and the Governor on or before August 1, 2002.~~ *education.*

SEC. 31. Section 67002 of the Education Code is amended to read:

67002. The California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* is designated as the state educational agency to carry out the purposes and provisions of the *federal* Education Amendments of 1972 (Public Law 92-318), the *federal* Education Amendments of 1976 (~~Public~~ *Public* Law 94-482), and subsequent enactments amendatory or supplementary thereto, as follows:

(a) The commission is designated as the state commission required to be established pursuant to Section 1202 of Title X of

the *federal* Higher Education Act of 1965 (Public Law 89-329) as amended by the *federal* Education Amendments of 1972 (Public Law ~~92-318~~; 92-318).

(b) The commission is designated as the state administrative agency required to be established pursuant to Section 1055 of Title X of the *federal* Higher Education Act of 1965 (Public Law 89-329) as amended by the *federal* Education Amendments of 1972 (Public Law 92-318), unless ~~such~~ *that* designation is determined by the federal government to be in conflict with federal law or ~~regulations~~; *regulations*.

(c) The commission is designated as the state administrative agency required to be established pursuant to Section 105 of Title 1, Section 122 of Title III, Section 603 of Title ~~VI~~ VI, and Section 704 of Title VII of the *federal* Higher Education Act of 1965 (Public Law ~~89-329~~ 89-329), as amended by the *federal* Education Amendments of 1972 (Public ~~law~~ Law 92-318). The California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* is hereby vested with authority to prepare and submit to the United States Commissioner of Education any state plan required by ~~said~~ *that* act of Congress, to prepare and submit amendments to ~~such~~ *those* state plans, and to administer ~~such~~ *those* state plans or amendments thereto, in accordance with ~~said~~ *that* act of Congress and any rules and regulations adopted ~~thereunder~~. *under that act*. Any such state plan or amendment thereto prepared by the California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* shall be subject to the approval of the Department of Finance to the extent required by Section 13326 of the Government Code. The California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted ~~thereunder~~. *under that act*.

SEC. 32. Section 67003 of the Education Code is amended to read:

67003. The Trustees of the California State University on behalf of the California State University, the Regents of the University of California on behalf of the university, the Board of Governors

1 of the California Community Colleges on behalf of the community
2 colleges, and the Board of Governors of the California Maritime
3 Academy on behalf of the California Maritime Academy, are vested
4 with all power and authority to perform all acts necessary to receive
5 the benefits and to expend the funds provided by the ~~act~~ *acts* of
6 Congress described in Section 67000 and with all necessary power
7 and authority to cooperate with the government of the United
8 States, or any agency or agencies thereof, and with the California
9 ~~Postsecondary Education Commission~~ *Commission on Higher*
10 *Education Performance and Accountability* for the purpose of
11 receiving the benefits and expending the funds provided by the
12 act of Congress, in accordance with the act, or any rules or
13 regulations adopted thereunder, or any state plan or rules or
14 regulations of the California ~~Postsecondary Education Commission~~
15 *Commission on Higher Education Performance and Accountability*
16 adopted in accordance with the act of Congress. Whenever
17 necessary to secure the full benefits of the act of Congress for loans
18 or grants for academic facilities, the trustees, regents, or boards of
19 governors may give any required security and may comply with
20 any conditions imposed by the federal government.

21 SEC. 33. Section 67312 of the Education Code is amended to
22 read:

23 67312. (a) The Board of Governors of the California
24 Community Colleges and the Trustees of the California State
25 University shall, for their respective systems, and the Regents of
26 the University of California may, do the following:

27 (1) Work with the California ~~Postsecondary Education~~
28 ~~Commission~~ *Commission on Higher Education Performance and*
29 *Accountability* and the Department of Finance to develop formulas
30 or procedures for allocating funds authorized under this chapter.

31 (2) Adopt rules and regulations necessary to the operation of
32 programs funded pursuant to this chapter.

33 (3) Maintain the present intersegmental efforts to work with the
34 California ~~Postsecondary Education Commission~~ *Commission on*
35 *Higher Education Performance and Accountability* and other
36 interested parties, to coordinate the planning and development of
37 programs for students with disabilities, including, but not
38 necessarily limited to, the establishment of common definitions
39 for students with disabilities and uniform formats for reports
40 required under this chapter.

(4) Develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every five years. At a minimum, these systems shall provide for the gathering of outcome data, staff and student perceptions of program effectiveness, and data on the implementation of the program and physical accessibility requirements of ~~Section 794 of Title 29 of the Federal~~ *federal* Rehabilitation Act of 1973 (*Public Law 93-112*) *contained in Section 794 of Title 29 of the United States Code*.

(b) Commencing in January 1990, and every two years thereafter, the Board of Governors of the California Community Colleges shall submit a report to the Governor, the education policy committees of the Legislature, and the California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* describing its efforts to serve students with disabilities. These biennial reports shall also include a review on a campus-by-campus basis of the enrollment, retention, transition, and graduation rates of disabled students, including categorical funding of those programs.

SEC. 34. Section 67382 of the Education Code is amended to read:

67382. (a) (1) On or before January 1, 2004, and every three years thereafter, the State Auditor shall report the results of an audit of a sample of not less than six institutions of postsecondary education in California that receive federal student aid, to evaluate the accuracy of their statistics and the procedures used by the institutions to identify, gather, and track data for publishing, disseminating, and reporting accurate crime statistics in compliance with the requirements of the *federal* Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec. 1092 (f)(1) and (5)).

(2) The results of the ~~annual~~ audits described in paragraph (1) shall be submitted to the respective chairs of the Assembly ~~Higher Education Committee~~ *Committee on Higher Education* and the Senate ~~Education Committee~~ *Committee on Education*.

(b) The California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* shall provide on its Internet Web site a link to the Internet Web site of each California institution of higher education that includes

1 on that *Internet* Web site the institution's criminal statistics
2 information.

3 (c) The Legislature finds and declares that institutions of higher
4 education that are subject to the *federal* Jeanne Clery Disclosure
5 of Campus Security Policy and Campus Crime Statistics Act (20
6 U.S.C. Sec. 1092(f)(1) and (5)), should establish and publicize a
7 policy that allows victims or witnesses to report crimes to the
8 campus police department or to a specified campus security
9 authority, on a voluntary, confidential, or anonymous basis.

10 SEC. 35. Section 68052 of the Education Code is amended to
11 read:

12 68052. (a) It is the intent of the Legislature that California's
13 public institutions of higher education shall establish nonresident
14 student tuition policies that are consistent with their resident student
15 fee policies. Nonresident student tuition shall be determined by
16 each of the public postsecondary segments through the adoption
17 of a methodology that annually establishes the nonresident student
18 tuition rate. It is further the intent of the Legislature that, while the
19 public institutions are to be provided flexibility in establishing
20 their nonresident tuition, under no circumstances shall the level
21 of nonresident tuition plus required fees fall below the marginal
22 cost of instruction for that segment.

23 (b) The following state policies regarding nonresident student
24 tuition are hereby established:

25 (1) Unless otherwise prescribed by statute, an admission fee
26 and rate of tuition fixed by each public postsecondary governing
27 board shall be required of each nonresident student. Each public
28 postsecondary education governing body shall develop its own
29 methodology for establishing the nonresident tuition level and its
30 annual adjustment level of nonresident student tuition, unless
31 otherwise prescribed by statute.

32 (2) As California's public postsecondary education segments
33 annually adjust the level of nonresident tuition they charge
34 out-of-state students, the nonresident tuition methodologies they
35 develop and use should take into consideration, at minimum, the
36 following two factors:

37 (A) For the University of California and the California State
38 University, the total nonresident charges imposed by each of their
39 public comparison institutions, as identified by the California

~~Postsecondary Education Commission. Commission on Higher Education Performance and Accountability.~~

(B) The full average cost of instruction of their segment.

(3) It is the intent of the Legislature that under no circumstances shall an institution's level of nonresident tuition plus required student fees fall below the marginal cost of instruction for that segment.

(4) The University of California, the California State University, the Hastings College of the Law, and the California Maritime Academy should endeavor to ensure that increases in the level of nonresident tuition are gradual, moderate, and predictable by providing nonresident students with a minimum of a 10-month notice of tuition increases.

~~(c) No provision of this section shall be applicable. This section does not apply to the California Community Colleges.~~

(d) In the event that state revenues and expenditures are substantially imbalanced due to factors unforeseen by the Governor and the Legislature, including, but not limited to, initiative measures, natural disasters, or sudden deviations from expected economic trends, the nonresident student tuition at the University of California, the California State University, the Hastings College of the Law, and the California Maritime Academy, shall not be subject to this section.

SEC. 36. Section 69562 of the Education Code is amended to read:

69562. The Student Aid Commission shall establish a 12-member project grant advisory committee to advise project directors and the commission on the development and operation of the projects, and consisting of the following:

(a) Three representatives of outreach programs, representing the University of California, the California State University, and the California Community Colleges, appointed by their respective governing boards.

(b) One representative of private colleges and universities, appointed by the Association of California Independent Colleges and Universities.

~~(c) One representative of the California Postsecondary Education Commission, Commission on Higher Education Performance and Accountability, appointed by the commission. Student Aid Commission.~~

(d) Two secondary school staff, appointed by the ~~Superintendent of Public Instruction~~. *Superintendent*.

(e) Two persons representing the general public, one appointed by the Speaker of the Assembly and the other by the Senate ~~Rules Committee~~. *Committee on Rules*.

(f) Two postsecondary students, both appointed annually by the ~~California Postsecondary Education Commission~~. *Commission on Higher Education Performance and Accountability*.

(g) One college campus financial aid officer, appointed by the ~~commission~~. *Student Aid Commission*.

SEC. 37. Section 69655 of the Education Code is amended to read:

69655. (a) Pursuant to Section 69648, the Chancellor of the California Community Colleges shall determine the elements of a statewide ~~data base~~ *database* for the Community College Extended Opportunity Programs and Services, which shall be used for periodic evaluation of the programs and services. The ~~data base~~ *database* shall include all information necessary to demonstrate the statewide progress towards achieving the program goals identified in Section 69640, and program objectives adopted pursuant to Section 69648 including, but not limited to, all of the following:

(1) The annual number of extended opportunity programs and services (EOPS) students and non-EOPS students who complete degree or certificate programs, transfer programs, or other programs, as determined by state and local matriculation policies.

(2) The annual number of EOPS and non-EOPS students who transfer to institutions ~~which~~ *that* award the baccalaureate degree. In implementing this paragraph, the chancellor shall work in cooperation with the ~~California Postsecondary Education Commission~~, *Commission on Higher Education Performance and Accountability*, the President of the University of California, the Chancellor of the California State University, and the Association of Independent Colleges and Universities to establish methods for obtaining the necessary data.

(3) (A) The annual number of EOPS and non-EOPS students completing occupational programs who find career employment.

~~In~~

1 (B) In implementing this paragraph, the chancellor shall integrate
2 the data collection with existing data collection requirements
3 pertaining to vocational education.

4 (b) Beginning in January 1987, the chancellor shall annually
5 report to the Legislature regarding the number of students served
6 by the Community College Extended Opportunity Programs and
7 Services and the number of EOPS students who achieve their
8 educational objectives.

9 SEC. 38. Section 69966 of the Education Code is amended to
10 read:

11 69966. The Student Aid Commission shall administer the
12 California State Work-Study Program in consultation with an
13 advisory committee. The membership of the advisory committee,
14 which may be an existing advisory committee established by the
15 commission, shall be representative of, but need not be limited to,
16 financial aid and student employment administrators from each
17 segment of postsecondary education, students, public schools,
18 employers, the California ~~Postsecondary Education Commission,~~
19 *Commission on Higher Education Performance and Accountability,*
20 and experiential education personnel.

21 SEC. 39. Section 74292 of the Education Code is amended to
22 read:

23 74292. Notwithstanding any other ~~provision~~ of law, the
24 following steps shall be taken to address the imminent risk that
25 Compton Community College's accreditation will be terminated
26 by the regional accrediting body recognized by the Board of
27 Governors of the California Community Colleges:

28 (a) The Chancellor of the California Community Colleges is
29 authorized to oversee all actions at the Compton Community
30 College District related to the loss of the college's accreditation
31 and efforts described in this article to address that situation. The
32 Compton Community College District shall reimburse the Board
33 of Governors of the California Community Colleges for any
34 expenses incurred by the chancellor or his or her staff in carrying
35 out this oversight responsibility.

36 (b) The Compton Community College District shall complete
37 the provision of instruction for all classes for which it intends to
38 claim apportionment prior to the date of its loss of accreditation.

39 (c) Notwithstanding any other ~~provision~~ of law, the Compton
40 Community College District shall continue to be eligible to receive

1 state funding as provided in this article even if its accreditation is
2 terminated.

3 (d) (1) The Compton Community College District shall identify
4 a partner district that will agree to provide accredited instructional
5 programs to students residing in the Compton Community College
6 District. The special trustee assigned to the Compton Community
7 College District pursuant to Section 71093 and the partner district
8 are authorized to enter into one or more agreements to provide
9 instructional services or other services, and to make any other
10 necessary preparations to implement the educational programs
11 described in this article, as well as any related necessary
12 administrative or support services, in a timely manner so as to
13 ensure that services to Compton Community College students will
14 not be interrupted and that those students will remain eligible for
15 federal financial assistance. The agreement or agreements shall
16 provide that the partner district is entitled to receive a reasonable
17 administrative fee to be fixed by the mutual agreement of the
18 parties.

19 (2) The partner district shall be a district in good standing with
20 the Accrediting Commission for Community and Junior Colleges
21 (ACCJC), and shall have successfully completed the accreditation
22 cycle and secured accreditation for its colleges. A district with a
23 college that is on warning, probation, or show-cause status with
24 the ACCJC, or that is being monitored for fiscal stability by the
25 chancellor's office is not considered a district in good standing for
26 the purposes of this article.

27 (e) The partner district may offer any programs or courses for
28 which it has secured applicable approvals. In addition, any
29 programs and courses that were previously approved by the board
30 of governors to be offered by the Compton Community College
31 District may continue to be offered by the partner district in the
32 territory of the Compton Community College District without
33 additional state approval until June 30, 2011.

34 (f) No later than 30 days after Compton Community College's
35 loss of accreditation, the board of governors shall approve the
36 facilities of Compton Community College as an off-campus
37 educational center of the partner district. The center shall be known
38 as the Compton Community Educational Center. The board of
39 governors shall give notice of its approval to the county committee

1 and county superintendent having jurisdiction over any territory
2 affected by the action.

3 (g) The board of governors may permanently or temporarily
4 waive any of its regulatory requirements necessary to effectuate
5 this article, including, but not necessarily limited to, its regulations
6 regarding educational centers.

7 (h) The partner district is eligible to provide instruction at the
8 center without the recommendation of the California ~~Postsecondary~~
9 ~~Education Commission~~ *Commission on Higher Education*
10 *Performance and Accountability* under Section 66904 until the
11 district secures the commission's recommendation for the facility
12 to operate as an off-campus educational center or until June 30,
13 2011, whichever occurs first.

14 (i) The partner district shall comply with all federal requirements
15 to ensure that students taking classes offered by the partner district
16 at the Compton Community Educational Center remain eligible
17 for federal financial assistance.

18 (j) Students enrolled in the Compton Community College
19 District as of January 31, 2006, shall be subject to the following
20 conditions:

21 (1) The partner district shall ensure that any student who, by
22 the end of the Spring 2006 term, has completed at least 75 percent
23 of the courses required for the degree or certificate he or she is
24 pursuing will be able to complete that program. Every reasonable
25 effort shall be made to allow other students who have begun work
26 toward a certificate or degree, but who have not completed 75
27 percent of the required coursework, to continue and complete their
28 programs.

29 (2) Students enrolling in classes provided by the partner district
30 pursuant to this section shall be considered students of the partner
31 district, shall receive credit from the partner district for classes
32 they successfully complete, shall receive certificates or degrees
33 they earn from the partner district, and shall receive financial aid
34 through the partner district if they meet all applicable eligibility
35 requirements.

36 (3) The partner district shall maintain student records related to
37 the attendance of students in classes it offers pursuant to this
38 section in accordance with all applicable state and federal laws.

1 (4) The partner district shall consider each student who enrolls
2 for classes no later than the Spring 2007 term to be a continuing
3 student for purposes of enrollment priorities.

4 (5) Any regulations of the board of governors relating to
5 minimum residence at the college granting a degree shall not be
6 applicable.

7 (k) The board of governors shall adopt any regulations necessary
8 to implement this article. These regulations may be adopted as
9 emergency regulations that may remain in effect for up to one year
10 from the date of adoption, and shall not be subject to paragraph
11 (5) or (6) of subdivision (a) of Section 70901.5 or to Chapter 3.5
12 (commencing with Section 11340) of Part 1 of Division 3 of Title
13 2 of the Government Code.

14 (l) (1) The partner district shall provide the services described
15 in this article for a minimum of five years from the date those
16 services commence pursuant to subdivision (d), and shall thereafter
17 provide the services for any additional period determined necessary
18 by the board of governors. In addition, the board of governors may
19 require, in its sole discretion, that the services described herein be
20 modified or terminated at an earlier date based on the best interests
21 of the California Community Colleges system and its students.

22 (2) Notwithstanding paragraph (1), either the partner district or
23 the special trustee appointed pursuant to Section 71093 may initiate
24 termination of the agreements described in subdivision (d) by
25 giving 180 days' written notice to the other party and to the board
26 of governors. No termination pursuant to this subdivision may take
27 effect until the end of the semester following the notice provided
28 under this paragraph, so as to protect students from a mid-term
29 interruption of educational services. Should the partner district
30 provide notice of a desire to terminate any agreements at a time
31 when the trustee determines that services provided under those
32 agreements are still necessary to serve the interests of Compton
33 students and residents or at a time when the Compton Community
34 College District is not fully accredited and bonds issued pursuant
35 to Section 41329.52 are outstanding, the partner district shall
36 continue the services until it can secure a district to provide
37 uninterrupted comparable services to the satisfaction of the special
38 trustee.

39 (m) (1) The Compton Community College District shall
40 continue to be responsible for ensuring that all of its permanent

1 records are retained and stored as required by state law and that
2 all records related to its administration of programs under Title IV
3 of the federal Higher Education Act are retained for a minimum
4 of three years after the conclusion of its participation in those
5 programs.

6 (2) The Compton Community College District shall be
7 responsible for institutional actions related to the loss of
8 accreditation, including actions that are required under Section
9 688.26 of Title 34 of the Code of Federal Regulations, related to
10 the ending of the participation of the Compton Community College
11 District in programs under Title IV of the federal Higher Education
12 Act, refunding any students' unearned tuition and fees, refunding
13 to the federal government any unexpended federal student financial
14 aid funds, returning to lenders any loan proceeds not distributed
15 to students, or the collection of outstanding student debts to the
16 Compton Community College District.

17 (n) In addition to addressing the ongoing educational needs of
18 the students of the Compton Community College District, the
19 partner district and the special trustee appointed pursuant to Section
20 71093 shall take steps aimed at achieving the goal of seeking
21 renewed accreditation for Compton Community College at the
22 earliest feasible date. Progress toward achieving this goal shall be
23 periodically reported to the board of governors.

24 (o) ~~No~~A person, firm or organization shall *not*, without the
25 permission of the Compton Community College District, use the
26 name "Compton Community College," or any name of which these
27 words are a part, or any abbreviation thereof.

28 SEC. 40. Section 81004 of the Education Code is amended to
29 read:

30 81004. (a) A community college may develop a public-private
31 partnership for the purpose of constructing education buildings or
32 education centers. The facilities may be constructed on a site
33 donated through the public-private partnership agreement between
34 the community college and the private sector. The construction of
35 any education building or education center is subject to approval
36 by the Board of Governors of the California Community Colleges
37 if the education building or education center is eligible for state
38 funding for construction, equipment, or ongoing maintenance.
39 Community colleges shall not be eligible to receive state funds for
40 off-campus centers unless recommended by the California

1 ~~Postsecondary Education Commission~~ *Commission on Higher*
2 *Education Performance and Accountability* pursuant to Section
3 66904.

4 (b) (1) If a community college requests state funding for an
5 education building or education center constructed through a
6 public-private partnership, funding for that facility shall not
7 supersede community college facilities that have been previously
8 prioritized by the board of governors and are awaiting state
9 funding. These facilities shall be subject to the board of governors'
10 annual prioritization process and shall not receive higher priority
11 for state funding solely because the facilities are constructed
12 through a public-private partnership.

13 (2) Any state funding to reimburse a community college for
14 construction of a facility pursuant to this subdivision shall not
15 exceed that community college's share of costs.

16 (c) A community college may request state funding for
17 instructional equipment for an education building or education
18 center that is constructed through a public-private partnership or
19 that is acquired without state funding. However, funding for that
20 equipment shall be provided in the same manner as for other
21 community college facilities, provided that the construction or
22 acquisition of the facility otherwise would have qualified as a
23 priority project for state funding.

24 (d) On or before January 1, 1999, the board of governors shall
25 adopt regulations to implement this section. However, prior to
26 adopting these regulations, the Chancellor of the California
27 Community Colleges shall consult with the Department of Finance
28 and the Legislative Analyst.

29 SEC. 41. Section 81005 of the Education Code is amended to
30 read:

31 81005. (a) State funds provided for the capital outlay financing
32 needs of the California Community Colleges may be used to
33 acquire an existing government-owned or privately-owned building
34 and for the necessary costs of converting that building to
35 community college use. A community college district that is
36 eligible for state funding for capital outlay financing may purchase
37 an existing government-owned or privately-owned building and
38 convert it to community college use with state funds if all of the
39 following criteria apply:

(1) The building to be purchased was constructed as, and continues to qualify as, a school building pursuant to Article 7 (commencing with Section 81130), or the building is determined to have, or is rehabilitated to an extent that it is determined to have, a pupil safety performance standard that is equivalent to that of a building constructed pursuant to Article 7 (commencing with Section 81130). In making the determination of the pupil safety performance standard as required in this paragraph, all of the requirements of paragraphs (1) and (2) of subdivision (a) of Section 81149 shall be met.

(2) The total cost of purchasing and converting the existing building to community college use is not greater than the estimated cost of constructing an equivalent building.

(3) The land associated with a building to be purchased will be owned by, or controlled through a long-term lease by, the community college district. As used in this section, “long-term lease” means a lease with a term of at least 50 years.

(4) The district has complied with facility site review procedures and guideline recommendations of the California ~~Postsecondary Education Commission~~ *Commission on Higher Education Performance and Accountability* pursuant to Section 66904.

(b) Funding for a building to be purchased under this section shall not supersede funding for community college facilities that have previously been prioritized by the board of governors and are awaiting state funding. Buildings purchased under this section shall be subject to the annual prioritization process of the board of governors, and shall not receive higher priority for state funding because they are existing buildings rather than buildings proposed to be constructed.

(c) A community college district that purchases an existing building under this section may request state funding for instructional equipment. Funding for that instructional equipment shall be provided in accordance with Chapter 4.8 (commencing with Section 84670) of Part 50, provided that the chancellor determines that the purchase of this equipment qualifies as a priority for state funding.

SEC. 42. Section 87482.4 of the Education Code is repealed.

~~87482.4.—(a) The Legislature finds and declares that, in the state’s community college system, teaching constitutes a greater share of the faculty workload, as compared to the California State~~

1 University or the University of California systems. California's
2 community college system requires that a faculty member hold,
3 as a basic qualification, a master's degree. Furthermore, the
4 community college system uses a different professional review
5 process, as compared to the California State University or the
6 University of California systems.

7 (b) The California Postsecondary Education Commission shall
8 conduct a comprehensive study of the California Community
9 College system's part-time faculty employment, salary, and
10 compensation patterns as they relate to full-time community college
11 faculty with similar education credentials and work experience.
12 The study shall include a representative sample of urban, rural,
13 and suburban community colleges in California and shall also refer
14 to similarly situated community colleges in other states.

15 (c) The study specified in subdivision (b) shall include, but not
16 necessarily be limited to, the addressing of policy options available
17 to achieve pay equity between community college part-time faculty
18 and full-time faculty and shall also include both of the following:

19 (1) A quantitative analysis examining duties and tasks of
20 part-time faculty as compared to full-time faculty. The duties and
21 tasks examined shall include classroom teaching, preparation,
22 office hours, recordkeeping, student evaluations, recommendations,
23 and other professional practices that compare the similarities and
24 differences between a part-time and full-time faculty position. This
25 quantitative analysis shall also include both of the following:

26 (A) An examination of whether part-time faculty salaries vary
27 significantly among community colleges and the factors that are
28 associated with any salary differential.

29 (B) Data concerning the salary compensation pattern for
30 part-time community college faculty in California and in similarly
31 situated community colleges in other states, and the disparity
32 between part-time and full-time compensation for the equivalent
33 education and experience.

34 (2) An identification of specific policy and fiscal
35 recommendations that would enable the California Community
36 Colleges to achieve a compensation schedule that achieves pay
37 equity for part-time faculty.

38 (d) The California Postsecondary Education Commission shall,
39 in conducting the study required by this section, consult various
40 representatives of the education community, including the Board

1 of Governors of the California Community Colleges, community
2 college faculty groups, and other interested parties.

3 ~~(e) Notwithstanding Section 7550.5 of the Government Code,~~
4 ~~the California Postsecondary Education Commission shall release~~
5 ~~the preliminary findings of the study required by this section to~~
6 ~~the Legislature and the Governor, on or before March 31, 2000,~~
7 ~~and shall transmit the study to the Legislature and the Governor~~
8 ~~on or before July 1, 2000.~~

9 ~~(f) It is the intent of the Legislature that funding for conducting~~
10 ~~the study required by this section shall be made available through~~
11 ~~an appropriation, either in future legislation or in the annual Budget~~
12 ~~Act, in an amount of up to one hundred fifty thousand dollars~~
13 ~~(\$150,000).~~

14 SEC. 43. Section 89002 of the Education Code is amended to
15 read:

16 89002. The campuses authorized in paragraphs (19), (21), and
17 (22) of subdivision (a) of Section 89001 shall commence
18 construction only upon resolution of the trustees, approved by the
19 ~~California Postsecondary Education Commission.~~ *Commission on*
20 *Higher Education Performance and Accountability.*

21 ~~This section shall become operative on July 1, 1995.~~

22 SEC. 44. Section 89011 of the Education Code is amended to
23 read:

24 89011. (a) It is the intent of the Legislature that public
25 programs of postsecondary education be made available to qualified
26 persons throughout this state, including areas of substantial existing
27 or projected population that are isolated from any campus of the
28 California State University.

29 (b) The Trustees of the California State University shall consider
30 the establishment of a permanent, state-supported off-campus
31 center on state-owned property in Contra Costa County, the purpose
32 of which shall be to continue to offer education programs at the
33 upper division and graduate levels.

34 (c) Pursuant to the establishment of a permanent, state-supported
35 off-campus center as provided by subdivision (b), the trustees shall
36 contract for the preparation of a master plan for physical
37 development, and a detailed survey of Contra Costa County, as
38 follows:

39 (1) The master plan for the physical development of the center
40 shall project major land uses, including open space, and the

1 development of physical facilities, including those relating to
2 lecture and laboratory use, and other instructional activities, site
3 work, plant operations, and adjunct operations. The master plan
4 shall be subject to the approval of the Trustees of the California
5 State University.

6 (2) The detailed survey of Contra Costa County shall include,
7 but not be limited to, official population projections, an industry
8 and income profile, an analysis of specific education program
9 requirements of potentially qualified students, an assessment of
10 the need for educational services at the upper division and graduate
11 levels, and an assessment of the services currently provided by
12 other public and private institutions of postsecondary education,
13 including the University of California and the California
14 Community Colleges.

15 (d) The trustees shall review the results of the master plan and
16 survey and shall forward the results to the California ~~Postsecondary~~
17 ~~Education Commission~~ *Commission on Higher Education*
18 *Performance and Accountability* for its review pursuant to Section
19 66904.

20 SEC. 45. Section 89070.35 of the Education Code is amended
21 to read:

22 89070.35. (a) The intersegmental advisory committee shall
23 consist of the following members:

24 (1) Two members, one of whom shall be a mathematics faculty
25 member, appointed by each of the following:

26 (A) The Chancellor of the California State University.

27 (B) The President of the University of California, if he or she
28 chooses to serve as a member.

29 (C) The Chancellor of the California Community Colleges.

30 (D) ~~The Superintendent of Public Instruction.~~ *Superintendent.*

31 (2) One member appointed by each of the following:

32 (A) The Chair of the Association of Independent California
33 Colleges and Universities.

34 (B) The Director of the California ~~Postsecondary Education~~
35 ~~Commission.~~ *Commission on Higher Education Performance and*
36 *Accountability.*

37 (C) The Chair of the California Academic Partnership Program
38 Advisory Committee.

39 (D) The Director of the California Mathematics Project.

(b) The intersegmental advisory committee may recommend that the trustees increase its size by the appointment of public, corporate, or other members.

SEC. 46. Section 89070.40 of the Education Code is amended to read:

89070.40. The Trustees of the California State University shall work with the University of California, the California ~~Postsecondary Education Commission~~, *Commission on Higher Education Performance and Accountability*, and the advisory committee to develop a comprehensive program evaluation. This evaluation shall be conducted in 1993, and every three years thereafter to determine the success of the program.

SEC. 47. Section 89720 of the Education Code, as amended by Section 4 of Chapter 511 of the Statutes of 2014, is amended to read:

89720. (a) The trustees may accept on behalf of the state any gift, bequest, devise, or donation of real or personal property whenever the gift and the terms and conditions thereof will aid in carrying out the primary functions of the California State University as specified in subdivision (b) of Section 66010.4. Neither Section 11005 of the Government ~~Code Code~~, nor any other law requiring approval by a state officer of gifts, bequests, devises, or ~~donations~~ *donations*, shall apply to these gifts, bequests, devises, or donations. These gifts, bequests, devises, or donations, and the disposition thereof, shall be annually reported to the California ~~Postsecondary Education Commission~~, *Commission on Higher Education Performance and Accountability*, the Joint Legislative Budget Committee, and the Department of Finance by January 31 of each year.

~~Notwithstanding~~

(b) *Notwithstanding* Sections 11005.2 and 14664 of the Government Code or any other law to the contrary, the trustees may sell or exchange interests in real property received pursuant to this section when, in the judgment of the trustees, the sale or exchange is in the best interests of the California State University. No sale or exchange of an interest in real property made pursuant to this section shall exceed ten million dollars (\$10,000,000) per transaction.

~~Notwithstanding~~

1 (c) *Notwithstanding* Sections 11005 and 15853 of the
2 Government Code or any other ~~provision of law to the contrary,~~
3 the trustees may purchase interests in real property from moneys
4 received pursuant to this section, including those moneys received
5 from the sale or exchange of interests in real property pursuant to
6 this section. Any such purchase shall be consistent with any
7 restrictions placed upon the gift, bequest, devise, or donation and
8 shall be in the best interests of the California State University, as
9 determined by the trustees.

10 ~~No~~
11 (d) *No* interest in any real property that is part of a main campus
12 of any of the institutions of the California State University listed
13 in Section 89001 shall be sold or exchanged pursuant to this
14 section.

15 ~~Any~~
16 (e) *Any* sale or exchange of interests in real property carried out
17 pursuant to this section shall be reported annually to the California
18 ~~Postsecondary Education Commission~~ *Commission on Higher*
19 *Education Performance and Accountability* or a successor agency,
20 the Joint Legislative Budget Committee, and the Department of
21 ~~Finance~~, *Finance* by January 31 of each year.

22 SEC. 48. Section 92605 of the Education Code is amended to
23 read:

24 92605. (a) The regents are hereby requested to consider, as a
25 component of the University of California's current systemwide
26 medical education program assessment, the expansion of the
27 Charles R. Drew/UCLA Undergraduate Medical Education
28 Program.

29 (b) The regents are further requested to submit, not later than
30 June 30, 2003, a report summarizing their findings regarding the
31 Charles R. Drew/UCLA Undergraduate Medical Education
32 Program to the Governor, the Legislature, and the California
33 ~~Postsecondary Education Commission~~ *Commission on Higher*
34 *Education Performance and Accountability*.

35 SEC. 49. Section 94155 of the Education Code is amended to
36 read:

37 94155. On or before March 31 in each ~~year~~ *year*, the authority
38 shall make an annual report of its activities for the preceding
39 calendar year to the Governor and the Legislature. Each ~~such~~ report
40 shall set forth a complete operating and financial statement

1 covering the authority's operations during the year. The authority
2 shall cause an audit of its books and accounts to be made at least
3 once in each year by certified public accountants. The authority
4 shall also consult with the California ~~Postsecondary Education~~
5 ~~Commission~~ *Commission on Higher Education Performance and*
6 *Accountability* and the Student Aid Commission with respect to
7 the need for additional financing of student loan projects.

8 SEC. 50. Section 99151 of the Education Code is amended to
9 read:

10 99151. (a) "Admissions data assembly service" means any
11 summary or report of grades, grade point averages, standardized
12 test scores, or any combination of grades and test scores, of a test
13 subject used by any test score recipient.

14 (b) "Commission" means the California ~~Postsecondary~~
15 ~~Education Commission~~. *Commission on Higher Education*
16 *Performance and Accountability*.

17 (c)

18 (c) "Score reporting service" means the reporting of a test
19 subject's standardized score to a test score recipient by a test
20 agency.

21 (d) "Secure test" means any test that contains items not
22 available to the public and that, to allow the further use of test
23 items and to protect the validity and reliability of the test, is subject
24 to special security procedures in its publication, distribution, and
25 administration.

26 (e) (1) "Standardized test" or "test" means any test administered
27 in California at the expense of the test subject ~~which~~ *that* is used
28 for the purposes of admission to, or class placement in,
29 postsecondary educational institutions or their programs, or any
30 test used for preliminary preparation for those tests.

31 ~~"Standardized~~

32 (2) "Standardized test" or "test" includes, but is not limited to,
33 the Preliminary Scholastic Aptitude Test, the Scholastic Aptitude
34 Test, the College Board Achievement Tests and Advanced
35 Placement Tests, the ACT Assessment, the Graduate Record
36 Examination, the Medical College Admission Test, the Law School
37 Admission Test, the Dental Admission Testing Program, the
38 Graduate Management Admission Test, and the Miller Analogies
39 Test.

40 ~~The~~

(3) A standardized test does not include a test, or part of a test, ~~which that~~ has been in use for less than five years, or ~~which that~~ is administered to a selected group of individuals principally for research, ~~pre-test, pretest,~~ equating, guidance, counseling, or for the purposes of meeting graduation requirements of secondary schools and postsecondary educational institutions.

~~Tests which~~

(4) *Tests that* are administered as supplements or auxiliaries to another test, or ~~which that~~ form a specialized component of a test, may be combined for the purposes of this chapter.

~~(d) “Secure test” means any test which contains items not available to the public and which, to allow the further use of test items and to protect the validity and reliability of the test, is subject to special security procedures in its publication, distribution, and administration.~~

~~(e) “Test subject” or “subject” means an individual who takes a standardized test.~~

~~(f) “Test sponsor” or “test agency” means an individual, partnership, corporation, association, company, firm, institution, society, trust, or joint stock company which develops, sponsors, or administers standardized tests.~~

~~(g)~~

~~(f) “Testing year” means the 12 calendar months which that the test agency considers either its operational cycle or its fiscal year.~~

~~(g) “Test preparation course” means any curriculum, course of study, plan of instruction, or method of preparation given for a fee that is specifically designed or constructed to prepare or improve a test subject’s score on a standardized test.~~

~~(h) “Test program” means all of the administrations of a test of the same name during a testing year.~~

~~(h)~~

(i) “Test score” or “score” means the value given to the test subject’s performance on a standardized test, administered by the test agency, whether reported in numerical, percentile, or any other form.

~~(i)~~

(j) “Test score recipient” means any person, organization, association, corporation, postsecondary education institution, or governmental agency or subdivision to which the test subject requests or designates that a test agency report a test score.

1 (j) ~~“Score reporting service” means the reporting of a test~~
2 ~~subject’s standardized score to a test score recipient by a test~~
3 ~~agency.~~

4 (k) ~~“Test preparation course” means any curriculum, course of~~
5 ~~study, plan of instruction, or method of preparation given for a fee~~
6 ~~which is specifically designed or constructed to prepare or improve~~
7 ~~a test subject’s score on a standardized test.~~

8 (l) ~~“Test program” means all of the administrations of a test of~~
9 ~~the same name during a testing year.~~

10 (k) *“Test sponsor” or “test agency” means an individual,*
11 *partnership, corporation, association, company, firm, institution,*
12 *society, trust, or joint stock company that develops, sponsors, or*
13 *administers standardized tests.*

14 (l) *“Test subject” or “subject” means an individual who takes*
15 *a standardized test.*

16 SEC. 51. Section 99181 of the Education Code is amended to
17 read:

18 99181. The University of California, the California State
19 University, and the California Community Colleges shall each
20 prepare a list of reports required to be submitted on a regular basis
21 to the Legislature and to state agencies. The purpose of each report
22 shall be identified, as well as the costs associated with production
23 of the report. ~~Prior to March 1, 1992, this~~ *This* information shall
24 be submitted to the education policy and fiscal committees of the
25 Legislature, the Department of Finance, and the California
26 ~~Postsecondary Education Commission.~~ *Commission on Higher*
27 *Education Performance and Accountability.* The California
28 ~~Postsecondary Education Commission~~ *Commission on Higher*
29 *Education Performance and Accountability* shall review and
30 comment on the utility of the required reports identified by the
31 educational institutions, and offer recommendations for
32 consolidating or eliminating existing reporting requirements in
33 order to reduce operating expenses and streamline reporting
34 provisions.

35 SEC. 52. Section 99182 of the Education Code is amended to
36 read:

37 99182. (a) ~~On or before November 15, 1994, and each~~
38 ~~November 15 thereafter, 15 of each year,~~ *the California*
39 ~~Postsecondary Education Commission~~ *Commission on Higher*
40 *Education Performance and Accountability* shall submit a higher

1 education report to the Legislature and the Governor ~~which~~ *that*
2 provides information to the citizens of the state on the significant
3 indicators of performance of the public colleges and universities.
4 This annual report shall be presented in a readable format. Prior
5 to publication, the commission shall distribute a draft of the report
6 to all public colleges and universities for comment.

7 (b) The commission, in cooperation with the public colleges
8 and universities, shall develop and adopt a format for the higher
9 education report specified in subdivision (a) and the information
10 to be included. The following types of information shall be
11 considered for inclusion in the report with respect to public
12 universities:

13 (1) The retention rate of students.

14 (2) The proportion of lower division instructional courses taught
15 by tenured and tenure-track faculty.

16 (3) The minimum number of hours per semester required to be
17 spent by faculty in student advisement.

18 (4) The proportion of graduate and undergraduate students
19 participating in sponsored research programs.

20 (5) Placement data on graduates.

21 (6) The proportional changes in the participation and graduation
22 rates of students from groups historically underrepresented in
23 higher education.

24 (7) The proportion of graduate students who received
25 undergraduate degrees (A) at the institution, (B) within the state,
26 (C) within the United States, and (D) from other nations.

27 (8) The number of full-time students who have transferred from
28 a California community college.

29 (9) Demonstrable evidence of improvements in student
30 knowledge, capacities, and skills between entrance and graduation,
31 where this evidence exists.

32 (10) Results of surveys of students regarding student attitudes
33 and experiences, where these surveys exist.

34 (c) The following types of information shall be considered for
35 inclusion in the report with respect to public community colleges:

36 (1) The retention rate of students.

37 (2) The proportion of remedial or developmental education
38 courses taught by full-time faculty.

39 (3) The number of hours per student per semester spent by
40 faculty in student advisement.

1 (4) Placement data on graduates.

2 (5) The proportional change in the participation and graduation
3 rate of students from groups historically underrepresented in higher
4 education.

5 (6) The number of students who have transferred into a
6 four-year, postsecondary *educational* institution, by ethnicity and
7 gender.

8 (7) Demonstrable evidence of improvements in student
9 knowledge, capacities, and skills between entrance and graduation,
10 where this evidence exists.

11 (8) Results of surveys of students regarding student attitudes
12 and experiences, where these surveys exist.

13 SEC. 53. Section 99202 of the Education Code is amended to
14 read:

15 99202. (a) Within each subject matter project, a project
16 advisory board shall be established to do all of the following:

17 (1) Set guidelines for project sites.

18 (2) Review and recommend site proposals for funding.

19 (3) Monitor project activities to ensure that they adequately
20 reflect the priorities of the project and that projects comply with
21 the requirements of this chapter.

22 (4) Perform other duties as determined by the Concurrence
23 Committee rules and regulations adopted pursuant to subdivision
24 (b) of Section 99200.

25 (b) The composition of each advisory board shall be as follows:

26 (1) One representative selected by the California ~~Postsecondary~~
27 ~~Education Commission~~. *Commission on Higher Education*
28 *Performance and Accountability*.

29 (2) Two representatives selected by the President of the
30 University of California, one of whom is a member of the faculty
31 in the discipline addressed by the project.

32 (3) Two representatives selected by the Chancellor of the
33 California State University, one of whom is a member of the faculty
34 in the discipline addressed by the project.

35 (4) Three representatives selected by the ~~Superintendent of~~
36 ~~Public Instruction~~, *Superintendent*, one of whom is a classroom
37 teacher in the subject areas addressed by the project.

38 (5) Two representatives of the ~~State Board of Education~~, *state*
39 *board*, one of whom is a classroom teacher in the subject areas
40 addressed by the subject.

1 (6) One representative selected by the Governor.

2 (7) One representative selected by the Commission on Teacher
3 Credentialing.

4 (8) One representative of the statewide professional organization
5 of teachers in the subject matter addressed by the project, to be
6 selected by the president of that organization. If there is more than
7 one statewide professional organization of teachers in that subject
8 area, the members of the advisory board may choose which
9 organization shall select the representative and may choose to
10 include a representative of one or more of the other organizations
11 as nonvoting members of the advisory board.

12 (9) Two representatives of the ~~California community colleges~~
13 *Community Colleges* selected by the Chancellor of the California
14 Community Colleges, one of whom is a faculty member in the
15 subject matter area addressed by the project.

16 (10) Two representatives of an independent postsecondary
17 *educational* institution selected by the Association of Independent
18 California Colleges and Universities, one of whom is a member
19 of the faculty in the discipline addressed by the project.

20 SEC. 54. Section 11126 of the Government Code is amended
21 to read:

22 11126. (a) (1) ~~Nothing in this article shall be construed to~~
23 *This article does not* prevent a state body from holding closed
24 sessions during a regular or special meeting to consider the
25 appointment, employment, evaluation of performance, or dismissal
26 of a public employee or to hear complaints or charges brought
27 against that employee by another person or employee unless the
28 employee requests a public hearing.

29 (2) As a condition to holding a closed session on the complaints
30 or charges to consider disciplinary action or to consider dismissal,
31 the employee shall be given written notice of his or her right to
32 have a public hearing, rather than a closed session, and that notice
33 shall be delivered to the employee personally or by mail at least
34 24 hours before the time for holding a regular or special meeting.
35 If notice is not given, any disciplinary or other action taken against
36 any employee at the closed session shall be null and void.

37 (3) The state body also may exclude from any public or closed
38 session, during the examination of a witness, any or all other
39 witnesses in the matter being investigated by the state body.

1 (4) Following the public hearing or closed session, the body
2 may deliberate on the decision to be reached in a closed session.

3 (b) For the purposes of this section, “employee” does not include
4 any person who is elected to, or appointed to a public office by,
5 any state body. However, officers of the California State University
6 who receive compensation for their services, other than per diem
7 and ordinary and necessary expenses, shall, when engaged in that
8 capacity, be considered employees. Furthermore, for purposes of
9 this section, the term employee includes a person exempt from
10 civil service pursuant to subdivision (e) of Section 4 of Article VII
11 of the California Constitution.

12 (c) Nothing in this article shall be construed to do any of the
13 following:

14 (1) Prevent state bodies that administer the licensing of persons
15 engaging in businesses or professions from holding closed sessions
16 to prepare, approve, grade, or administer examinations.

17 (2) Prevent an advisory body of a state body that administers
18 the licensing of persons engaged in businesses or professions from
19 conducting a closed session to discuss matters that the advisory
20 body has found would constitute an unwarranted invasion of the
21 privacy of an individual licensee or applicant if discussed in an
22 open meeting, provided the advisory body does not include a
23 quorum of the members of the state body it advises. Those matters
24 may include review of an applicant’s qualifications for licensure
25 and an inquiry specifically related to the state body’s enforcement
26 program concerning an individual licensee or applicant where the
27 inquiry occurs prior to the filing of a civil, criminal, or
28 administrative disciplinary action against the licensee or applicant
29 by the state body.

30 (3) Prohibit a state body from holding a closed session to
31 deliberate on a decision to be reached in a proceeding required to
32 be conducted pursuant to Chapter 5 (commencing with Section
33 11500) or similar provisions of law.

34 (4) Grant a right to enter any correctional institution or the
35 grounds of a correctional institution where that right is not
36 otherwise granted by law, nor shall anything in this article be
37 construed to prevent a state body from holding a closed session
38 when considering and acting upon the determination of a term,
39 parole, or release of any individual or other disposition of an

1 individual case, or if public disclosure of the subjects under
2 discussion or consideration is expressly prohibited by statute.

3 (5) Prevent any closed session to consider the conferring of
4 honorary degrees, or gifts, donations, and bequests that the donor
5 or proposed donor has requested in writing to be kept confidential.

6 (6) Prevent the Alcoholic Beverage Control Appeals Board from
7 holding a closed session for the purpose of holding a deliberative
8 conference as provided in Section 11125.

9 (7) (A) Prevent a state body from holding closed sessions with
10 its negotiator prior to the purchase, sale, exchange, or lease of real
11 property by or for the state body to give instructions to its
12 negotiator regarding the price and terms of payment for the
13 purchase, sale, exchange, or lease.

14 (B) However, prior to the closed session, the state body shall
15 hold an open and public session in which it identifies the real
16 property or real properties that the negotiations may concern and
17 the person or persons with whom its negotiator may negotiate.

18 (C) For purposes of this paragraph, the negotiator may be a
19 member of the state body.

20 (D) For purposes of this paragraph, “lease” includes renewal or
21 renegotiation of a lease.

22 (E) Nothing in this paragraph shall preclude a state body from
23 holding a closed session for discussions regarding eminent domain
24 proceedings pursuant to subdivision (e).

25 (8) Prevent the ~~California Postsecondary Education Commission~~
26 *Commission on Higher Education Performance and Accountability*
27 from holding closed sessions to consider matters pertaining to the
28 appointment or termination of the Director of the ~~California~~
29 ~~Postsecondary Education Commission~~. *California Commission*
30 *on Higher Education Performance and Accountability*.

31 (9) Prevent the Council for Private Postsecondary and
32 Vocational Education from holding closed sessions to consider
33 matters pertaining to the appointment or termination of the
34 Executive Director of the Council for Private Postsecondary and
35 Vocational Education.

36 (10) Prevent the Franchise Tax Board from holding closed
37 sessions for the purpose of discussion of confidential tax returns
38 or information the public disclosure of which is prohibited by law,
39 or from considering matters pertaining to the appointment or
40 removal of the Executive Officer of the Franchise Tax Board.

1 (11) Require the Franchise Tax Board to notice or disclose any
2 confidential tax information considered in closed sessions, or
3 documents executed in connection therewith, the public disclosure
4 of which is prohibited pursuant to Article 2 (commencing with
5 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the
6 Revenue and Taxation Code.

7 (12) Prevent the Corrections Standards Authority from holding
8 closed sessions when considering reports of crime conditions under
9 Section 6027 of the Penal Code.

10 (13) Prevent the State Air Resources Board from holding closed
11 sessions when considering the proprietary specifications and
12 performance data of manufacturers.

13 (14) Prevent the State Board of Education or the Superintendent
14 of Public Instruction, or any committee advising the board or the
15 Superintendent, from holding closed sessions on those portions of
16 its review of assessment instruments pursuant to Chapter 5
17 (commencing with Section 60600) of, or pursuant to Chapter 9
18 (commencing with Section 60850) of, Part 33 of Division 4 of
19 Title 2 of the Education Code during which actual test content is
20 reviewed and discussed. The purpose of this provision is to
21 maintain the confidentiality of the assessments under review.

22 (15) Prevent the California Integrated Waste Management Board
23 or its auxiliary committees from holding closed sessions for the
24 purpose of discussing confidential tax returns, discussing trade
25 secrets or confidential or proprietary information in its possession,
26 or discussing other data, the public disclosure of which is
27 prohibited by law.

28 (16) Prevent a state body that invests retirement, pension, or
29 endowment funds from holding closed sessions when considering
30 investment decisions. For purposes of consideration of shareholder
31 voting on corporate stocks held by the state body, closed sessions
32 for the purposes of voting may be held only with respect to election
33 of corporate directors, election of independent auditors, and other
34 financial issues that could have a material effect on the net income
35 of the corporation. For the purpose of real property investment
36 decisions that may be considered in a closed session pursuant to
37 this paragraph, a state body shall also be exempt from the
38 provisions of paragraph (7) relating to the identification of real
39 properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(18) (A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other ~~provision of~~ law, a state body, at any regular or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(d) (1) Notwithstanding any other ~~provision of~~ law, any meeting of the Public Utilities Commission at which the rates of entities

1 under the commission's jurisdiction are changed shall be open and
2 public.

3 (2) Nothing in this article shall be construed to prevent the
4 Public Utilities Commission from holding closed sessions to
5 deliberate on the institution of proceedings, or disciplinary actions
6 against any person or entity under the jurisdiction of the
7 commission.

8 (e) (1) Nothing in this article shall be construed to prevent a
9 state body, based on the advice of its legal counsel, from holding
10 a closed session to confer with, or receive advice from, its legal
11 counsel regarding pending litigation when discussion in open
12 session concerning those matters would prejudice the position of
13 the state body in the litigation.

14 (2) For purposes of this article, all expressions of the
15 lawyer-client privilege other than those provided in this subdivision
16 are hereby abrogated. This subdivision is the exclusive expression
17 of the lawyer-client privilege for purposes of conducting closed
18 session meetings pursuant to this article. For purposes of this
19 subdivision, litigation shall be considered pending when any of
20 the following circumstances exist:

21 (A) An adjudicatory proceeding before a court, an administrative
22 body exercising its adjudicatory authority, a hearing officer, or an
23 arbitrator, to which the state body is a party, has been initiated
24 formally.

25 (B) (i) A point has been reached where, in the opinion of the
26 state body on the advice of its legal counsel, based on existing
27 facts and circumstances, there is a significant exposure to litigation
28 against the state body.

29 (ii) Based on existing facts and circumstances, the state body
30 is meeting only to decide whether a closed session is authorized
31 pursuant to clause (i).

32 (C) (i) Based on existing facts and circumstances, the state
33 body has decided to initiate or is deciding whether to initiate
34 litigation.

35 (ii) The legal counsel of the state body shall prepare and submit
36 to it a memorandum stating the specific reasons and legal authority
37 for the closed session. If the closed session is pursuant to paragraph
38 (1), the memorandum shall include the title of the litigation. If the
39 closed session is pursuant to subparagraph (A) or (B), the
40 memorandum shall include the existing facts and circumstances

1 on which it is based. The legal counsel shall submit the
2 memorandum to the state body prior to the closed session, if
3 feasible, and in any case no later than one week after the closed
4 session. The memorandum shall be exempt from disclosure
5 pursuant to Section 6254.25.

6 (iii) For purposes of this subdivision, “litigation” includes any
7 adjudicatory proceeding, including eminent domain, before a court,
8 administrative body exercising its adjudicatory authority, hearing
9 officer, or arbitrator.

10 (iv) Disclosure of a memorandum required under this
11 subdivision shall not be deemed as a waiver of the lawyer-client
12 privilege, as provided for under Article 3 (commencing with
13 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

14 (f) In addition to subdivisions (a), (b), and (c), nothing in this
15 article shall be construed to do any of the following:

16 (1) Prevent a state body operating under a joint powers
17 agreement for insurance pooling from holding a closed session to
18 discuss a claim for the payment of tort liability or public liability
19 losses incurred by the state body or any member agency under the
20 joint powers agreement.

21 (2) Prevent the examining committee established by the State
22 Board of Forestry and Fire Protection, pursuant to Section 763 of
23 the Public Resources Code, from conducting a closed session to
24 consider disciplinary action against an individual professional
25 forester prior to the filing of an accusation against the forester
26 pursuant to Section 11503.

27 (3) Prevent an ~~administrative~~ *advisory* committee established
28 by the California Board of Accountancy pursuant to Section 5020
29 of the Business and Professions Code from conducting a closed
30 session to consider disciplinary action against an individual
31 accountant prior to the filing of an accusation against the
32 accountant pursuant to Section 11503. Nothing in this article shall
33 be construed to prevent an examining committee established by
34 the California Board of Accountancy pursuant to Section 5023 of
35 the Business and Professions Code from conducting a closed
36 hearing to interview an individual applicant or accountant regarding
37 the applicant’s qualifications.

38 (4) Prevent a state body, as defined in subdivision (b) of Section
39 11121, from conducting a closed session to consider any matter

1 that properly could be considered in closed session by the state
2 body whose authority it exercises.

3 (5) Prevent a state body, as defined in subdivision (d) of Section
4 11121, from conducting a closed session to consider any matter
5 that properly could be considered in a closed session by the body
6 defined as a state body pursuant to subdivision (a) or (b) of Section
7 11121.

8 (6) Prevent a state body, as defined in subdivision (c) of Section
9 11121, from conducting a closed session to consider any matter
10 that properly could be considered in a closed session by the state
11 body it advises.

12 (7) Prevent the State Board of Equalization from holding closed
13 sessions for either of the following:

14 (A) When considering matters pertaining to the appointment or
15 removal of the Executive Secretary of the State Board of
16 Equalization.

17 (B) For the purpose of hearing confidential taxpayer appeals or
18 data, the public disclosure of which is prohibited by law.

19 (8) Require the State Board of Equalization to disclose any
20 action taken in closed session or documents executed in connection
21 with that action, the public disclosure of which is prohibited by
22 law pursuant to Sections 15619 and 15641 of this code and Sections
23 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,
24 45982, 46751, 50159, 55381, and 60609 of the Revenue and
25 Taxation Code.

26 (9) Prevent the California Earthquake Prediction Evaluation
27 Council, or other body appointed to advise the Director of the
28 Office of Emergency Services or the Governor concerning matters
29 relating to volcanic or earthquake predictions, from holding closed
30 sessions when considering the evaluation of possible predictions.

31 (g) This article does not prevent either of the following:

32 (1) The Teachers' Retirement Board or the Board of
33 Administration of the Public Employees' Retirement System from
34 holding closed sessions when considering matters pertaining to
35 the recruitment, appointment, employment, or removal of the chief
36 executive officer or when considering matters pertaining to the
37 recruitment or removal of the Chief Investment Officer of the State
38 Teachers' Retirement System or the Public Employees' Retirement
39 System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

(h) This article does not prevent the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters relating to the development of rates and competitive strategy for plans offered pursuant to Chapter 15 (commencing with Section 21660) of Part 3 of Division 5 of Title 2.

(i) This article does not prevent the Managed Risk Medical Insurance Board from holding closed sessions when considering matters related to the development of rates and contracting strategy for entities contracting or seeking to contract with the board pursuant to Part 6.2 (commencing with Section 12693), Part 6.3 (commencing with Section 12695), Part 6.4 (commencing with Section 12699.50), or Part 6.5 (commencing with Section 12700) of Division 2 of the Insurance Code.

~~(j) Nothing in this article shall be construed to~~ *This article does not* prevent the board of the State Compensation Insurance Fund from holding closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of *Part 1* of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related to audits and investigations that have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 ~~of the Government Code~~ with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a

1 member of the public to be heard on the issue of the
2 appropriateness of closing the meeting or session.

3 SEC. 55. Section 127785 of the Health and Safety Code is
4 repealed.

5 ~~127785. The California Postsecondary Education Commission~~
6 ~~shall furnish to the office, at least biennially, all information that~~
7 ~~the commission has compiled pursuant to Section 66903.2 of the~~
8 ~~Education Code, that constitutes basic data as to enrollees in public~~
9 ~~and private educational institutions and programs preparing or~~
10 ~~training health personnel. The office may request additional data~~
11 ~~from licensing boards and agencies to supplement the data received~~
12 ~~from the commission, as necessary to carry out the health personnel~~
13 ~~planning and development activities of the office.~~

14 SEC. 56. Section 128030 of the Health and Safety Code is
15 amended to read:

16 128030. The office, in cooperation with the California
17 ~~Postsecondary Education Commission~~, *Commission on Higher*
18 *Education Performance and Accountability*, shall administer the
19 program established pursuant to this article and shall for this
20 purpose, adopt regulations as it determines are reasonably necessary
21 to carry out this article.

22 SEC. 57. Section 24357.8 of the Revenue and Taxation Code
23 is amended to read:

24 24357.8. (a) In the case of a qualified research contribution,
25 the amount otherwise allowed as a deduction under Section 24357,
26 shall be reduced by that amount of the reduction provided by
27 Section 24357.1 ~~which~~ *that* is no greater than the sum of the
28 following:

29 (1) One-half of the amount computed pursuant to Section
30 24357.1 (computed without regard to this paragraph).

31 (2) ~~The amount (if any)~~ *amount, if any*, by which the charitable
32 contribution deduction under this section for any qualified research
33 contribution (computed by taking into account the amount
34 determined by paragraph (1), but without regard to this paragraph)
35 exceeds twice the basis of the property.

36 (b) For purposes of this section, “qualified research contribution”
37 means a charitable contribution by a taxpayer of tangible personal
38 property described in paragraph (1) of Section 1221 of the Internal
39 Revenue Code, but only if all of the following conditions are met:

1 (1) The contribution is to an educational organization ~~which~~
2 ~~that~~ is described in subsection (b)(1)(A)(ii) of Section 170 of the
3 Internal Revenue Code and ~~which that~~ is an institution of higher
4 education ~~(as education, as defined in Section 3304(f) of the~~
5 Internal Revenue Code of ~~1954) 1954~~, in California.

6 (2) The contribution is made not later than two years after the
7 date the construction of the property is substantially completed.

8 (3) The original use of the property is by the donee.

9 (4) The property is scientific equipment or apparatus
10 substantially all of the use of which by the donee is for research
11 or ~~experimentation (within experimentation, within the meaning~~
12 of Section ~~24365), 24365~~, or for research training, in physical,
13 applied, or biological sciences, or for instructional purposes.

14 (5) The property is not transferred by the donee in exchange for
15 money, other property, or services.

16 (6) The taxpayer receives from the donee a written statement
17 representing that its use and disposition of the property will be in
18 accordance with this section, and with respect to property
19 substantially all of the use of which is for instructional purposes,
20 the taxpayer receives from the donee a written statement
21 representing that the property will be used as an integral part of
22 the instructional program. In the case of a computer, the statement
23 shall also represent that the donee has acquired or will acquire,
24 necessary basic operational software and the means to provide
25 trained staff to utilize the property.

26 (7) The contribution is made on or after July 1, 1983, and on or
27 before December 31, 1993.

28 (8) The taxpayer shall report to the Franchise Tax Board, on
29 forms prescribed by the board, the name and address of the
30 recipient educational organization, a description of the qualified
31 charitable contribution, the fair market value of the contribution,
32 and the date the contribution was made. The taxpayer shall forward
33 a copy of the forms, along with the written statements prescribed
34 in paragraph (6), to the following:

35 (A) The President of the University of California, in the case
36 of contributions to institutions within the University of California
37 system.

38 (B) ~~California Postsecondary Education Commission~~ *The*
39 *California Commission on Higher Education Performance and*
40 *Accountability*, in the case of contributions to private institutions.

1 (C) The Chancellor of the California State University, in the
2 case of contributions to institutions within the California State
3 University system.

4 (D) The Chancellor of the California Community Colleges, in
5 the case of contributions to institutions within the California
6 Community College system.

7 (c) For purposes of this section, the term “taxpayer” shall not
8 include a service-~~organization~~ *(as organization, as defined in*
9 *Section 414(m)(3) of the Internal Revenue Code)*. *Code*.

10 SEC. 58. Section 10529 of the Unemployment Insurance Code
11 is amended to read:

12 10529. (a) The services provided by the existing labor market
13 information system within the department shall include workforce
14 and economic information that does all of the following:

15 (1) Provides data and information to the state Workforce
16 Investment Board created pursuant to Section 2821 of Title 29 of
17 the United States Code, to enable the board to plan, operate, and
18 evaluate investments in the state’s workforce preparation system
19 that will make the California economy more productive and
20 competitive.

21 (2) Provides data and information for continuous strategic
22 planning and the development of policies for the growth and
23 competitiveness of the California economy.

24 (3) Identifies and combines information from various state ~~data~~
25 ~~bases~~ *databases* to produce useful, geographically based analysis
26 and products, to the extent possible using existing resources.

27 (4) Provides technical assistance related to accessing workforce
28 and economic information to local governments, public-sector
29 entities, research institutes, nonprofit organizations, and community
30 groups that have various levels of expertise, to the extent possible
31 using existing resources.

32 (b) The department shall coordinate with the State Department
33 of Education, the Chancellor of the California Community
34 Colleges, the State Department of Social Services, the California
35 ~~Postsecondary Education Commission~~, *Commission on Higher*
36 *Education Performance and Accountability*, the Department of
37 Finance, and the Franchise Tax Board in developing economic
38 and workforce information. The department shall also solicit input
39 in the operation of the program from public and private agencies

1 and individuals that make use of the labor market information
2 provided by the department.

3 SEC. 59. Section 4341.5 of the Welfare and Institutions Code
4 is amended to read:

5 4341.5. In order to ensure an adequate number of qualified
6 psychiatrists and psychologists with forensic skills, the State
7 Department of State Hospitals shall, to the extent resources are
8 available, plan with the University of California, private
9 universities, and the California ~~Postsecondary Education~~
10 ~~Commission~~, *Commission on Higher Education Performance and*
11 *Accountability* for the development of programs for the training
12 of psychiatrists and psychologists with forensic skills, and
13 recommend appropriate incentive measures, such as state
14 scholarships.

15 SEC. 60. Section 4421 of the Welfare and Institutions Code is
16 amended to read:

17 4421. In order to assure an adequate number of qualified
18 psychiatrists and psychologists with forensic skills, the State
19 Department of Developmental Services shall plan with the
20 University of California, private universities, and the California
21 ~~Postsecondary Education Commission~~, *Commission on Higher*
22 *Education Performance and Accountability* for the development
23 of programs for the training of psychiatrists and psychologists with
24 forensic skills.